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16

DEBATES OF THE LEGISLATIVE  
ASSEMBLY OF  
UNITED CANADA

Volume I  
1841





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DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA  
1841-1867

Published under the direction of the  
Centre d'Etude du Québec  
and the  
Centre de recherche en histoire économique du Canada français

General Editor  
*Elizabeth Nish*

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ASSEMBLY OF  
UNITED CANADA

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Cameron Nish  
Director  
Centre d'Etude du Québec  
Sir George Williams University.





CANADIAN *HANSARD* 1841:  
INTERPRETING THE CANADIAN  
PARLIAMENTARY PRESS\*

by  
Elizabeth Nish

"Approximation to truth may be all that is attainable with our present knowledge, but there is no reason for thinking that this is so remote, or (what is the same thing) that it requires so much future correction, as to be entirely useless and uninformative."

Sir Henry Maine, *ANCIENT LAW*

\* Cette Introduction sera présentée en français comme Introduction au deuxième volume des débats.

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## CHAPTER I :

# HISTORY WITHOUT HANSARD

### RESEARCH

Canada is a parliamentary democracy whose historians have consistently chosen to represent the past through a political orientation.<sup>1</sup> Our historiographical and popular heroes are almost always statesmen whose lives centred around national or provincial Parliaments and their peripheral institutions. One of their primary functions was to talk : talk on the hustings, talk their path to power, and above all, to talk in Parliament. By origin, tradition and definition Parliament is a "talking place".<sup>2</sup> Its chief characteristic and purpose is to decide the country's policies through debate. Yet the words of its talkers in their talking place were not systematically recorded until 1880, and our historians are helplessly grounded in this documentary *lacuna* from which they must produce their studies.

The Canadian Assemblies and Legislative Councils customarily kept only JOURNALS as the sole official records of their proceedings. These JOURNALS contain just the skeleton outline of legislative events, such as the texts and proposers of official motions and resolutions, and some division lists. No debates were recorded. Therefore a great deal more happened than the JOURNALS record. In addition, the format and purpose of the JOURNALS preclude using them to judge the significance of specific legislative events. Since the JOURNALS were intended solely to record legislative events, they can provide neither implicit nor explicit commentary. The bitterly debated motion, the motion gliding through a perfunctory passage and the motion hustled through by a bare quorum are all described in an identical and unrevealing format.

Fortunately we are not confined to the JOURNALS. The contemporary newspapers almost all contain accounts of legislative proceedings, including the debates that occurred. It is upon these newspapers that we must rely for our parliamentary reports.

Every researcher in Canadian history who has had to study legislative activity and political thought and alignments knows that the lack of a HANSARD is one of the severest defects in our historical legacy. For researchers working on a biography of an individual politician the problem is compounded. For such a work it is essential to know precisely what role the man played in the legislative proceedings. Yet gathering this information requires reading many newspapers in order to gain an adequate picture of each individual debate ; the inconsistencies in parliamentary reporting from paper to paper permit no alternative. A great many factors influenced the reporting : the editor's and/or reporter's bias ; the major

interests of the people serviced by the paper ; the amount of space allotted to parliamentary reporting ; the extent of the reporter's bilingualism ; his shorthand, or worse, his longhand speed ; and the accoustical properties of his place in the Gallery. Therefore it is only possible to obtain a full picture of a debate by reading accounts of it in several newspapers. Moreover, all this reading is necessarily undertaken without an index though an index would save much time by indicating all those debates in which the biographical subject had participated.

A comparison between the Canadian and American or British situation presents the problem in its true proportions. If an American or English researcher chooses to study a specific piece of legislation he will follow this methodological routine in approximately this order :

- a. Read the secondary literature on the topic.
- b. Using the Index, read all that was said in the House in the debates in which the final piece of legislation was produced.
- c. Read any relevant official documents and governmental records.
- d. Consult the private papers of the individuals concerned.
- e. Finally, depending upon his topic, make an analysis of the legislation, the role of the legislators in producing it, and its effects, etc.

Should a Canadian choose to study an identical subject in the Canadian past, he will have to follow a different methodological routine :

- a. Find secondary literature to read. This literature will probably be scanty and inadequate since other historians, reacting to the same *lacunae* in the documentation available, have usually avoided the problems inherent in undertaking the research by avoiding that sort of topic.

b. Without any index or other historiographical aids, read several newspapers in both languages to reconstruct the debates. However, if the researcher follows the usual technique of merely taking notes, he will not necessarily be abstracting what for his work are the essential points. This is because he never had the complete picture before him ; he had at best merely differing and incomplete versions. Unless he systematically reconstructs each debate in its entirety by comparing and collating the reports of each debate from each paper consulted, his notes will contain information abstracted from a context which is probably incomplete, and perhaps distorted.

- c. Read any relevant government documents and records. When these exist they are adequately indexed, though there is a lack of such documentation due to austerity measures taken by Canadian legislators reacting against escalating and what they considered unjustifiable printing costs.<sup>3</sup>

- d. Consult the private papers of the individuals concerned.

- e. Depending on the topic, analyse the legislation and the role of various legislators in producing it, and its effects, etc.

However, it is almost impossible that the researcher has been able to properly reconstruct each relevant debate. Therefore the result of his labours will necessarily be a piece of scholarship which despite its merits and insights, is less valid and further from excellence than he could have produced had he had the same materials to work with as his English or American counterparts in their own national histories.

If the subject in American or English history is biographical, the methodology used would be the same as that described for studying legislation, but would include

an additional stage. It would be necessary to consult the Index to HANSARD or the CONGRESSIONAL RECORD and to read every speech the biographical subject ever made, probably on every issue, if the biography were a really comprehensive one.

If, on the other hand, a Canadian politician is the subject under consideration, the researcher has additional work. He must try to establish his subject's role in debates of which he has at best imperfect knowledge. And of course there is no index available to him because there is no organized mass of material to which an index could refer.

### HISTORIOGRAPHY

The consequences for Canadian historiography produced by the lack of a HANSARD are serious though completely understandable. There is a distinct tendency to study *not* legislation and the legislative proceedings of Parliament, our decision-making body, but to study instead political alignments and manoeuvres from the perspective of personality and intrigue more than from the point of view of social and intellectual history. In other words, the nature and usability of extant historical documents has dictated the nature of our written history. And our excess of strictly Whig and constitutional history, the surfeit of which is in direct proportion to our deplorable lack of social history, is largely attributable to the lack of a HANSARD in the 18th and 19th Centuries. Worse, the tradition so established carries over into works in the period after 1880 when there *was* a HANSARD. This is partly because tradition dictates what type of history will be produced, partly because historians lack training and a seminal literature in the field, and partly because of the lack of historical continuity. How can social history in the late 19th Century be understood if what preceded it, caused it, shaped it, influenced it, is mostly unknown? In sum, when in 1792 the Canadians first experienced government by elected representatives, a great range of life, power and thought was channelled away from the older and traditional outlets and levels and into British institutions where direct records of it were promptly lost to posterity because it went almost unreported.

In the past there have been many responses to this historiographical state of affairs. Most expressed regret, avoided investigating those subjects studied in countries with more adequate documentation, and confined themselves to the traditional delimitations of our national history writing. This essay introduces the product of a different response, a HANSARD for the year 1841 which has been reconstructed from contemporary newspaper accounts. This HANSARD is an integration of parliamentary newspaper reports into the official JOURNALS OF THE LEGISLATIVE ASSEMBLY. It is based upon a methodology which follows scientific devices and techniques to produce a text which is inseparable from its historical context. Above all, this text is the issue of two powerful and intimately-associated institutions, Parliament and the parliamentary Press.



## Footnotes — Chapter I.

1. Most of the notable exceptions have been in the field of economic history.
2. Russell Hopkins, *HOW PARLIAMENT WORKS*, p. 26.
3. Olga Bishop, *PUBLICATIONS OF THE GOVERNMENT OF THE PROVINCE OF CANADA 1841-1867*, p. 8: "The first change in this policy of automatically printing all reports took place in 1852, when as a result of the high cost of printing the Standing Committee on Printing of the Legislative Assembly recommended a policy of selection rather than continuing the policy of automatically printing all reports. The Committee's recommendation was adopted and from 1852 to 1859, all reports tabled in the House were reviewed by this Committee before they were ordered printed. As a result, some of the reports tabled were printed in abstract only, while others were not printed at all. In 1859, as a result of the continuing increase in the cost of printing a joint committee of the Legislative Council and Legislative Assembly was established. This Committee adopted even a more rigid system of selection. From 1860 to 1867, approximately one third of the reports tabled were not published."

## CHAPTER II :

# THE MOTHER OF PARLIAMENTS AND THE PARLIAMENTARY PRESS

BRITAIN'S SYSTEM : 1641-1830

The newly-created Canadian Union Parliament was very much the child of the Mother of Parliaments. Both its predecessors had always operated upon British principles ; <sup>1</sup> it is the very nature of British-derived Parliaments to do so. After the Rebellions, the members of the Union Parliament sought even more conscientiously to follow the British model. To follow this model was first and foremost to find appropriate precedents by "searching" British history and records. <sup>2</sup> Parliamentary practice is in fact "the sum of ... ((these)) rules and principles...." <sup>3</sup> The British system for recording legislative proceedings was an integral part of parliamentary practice, one which by 1841 already had a long and fascinating history reflecting the struggles between the various groups in British society.

Britain's first official parliamentary paper was ordered printed in 1641. This act of daring coincided, significantly, with the abolition of the Court of Star Chamber. <sup>4</sup> British parliamentary printing evolved as cautiously as it began and the debates were not printed verbatim until 1909. In fact, parliamentary reporting was prohibited for hundreds of years by parliamentarians fiercely guarding those rights and privileges won during the long struggle to assert themselves over the aristocratic hierarchy and monarchy. To record the gains they made in the conflict, the parliamentarians needed an accurate record of their proceedings. Yet they wished to record only their decisions, never the heated and unguarded words of their debates. Their decisions might be enforced throughout the Kingdom, but their deliberations could easily land them in prison. Therefore the Clerk of the Commons, though he swore "to attend upon the Commons ... making true entries, remembrances and journals of the things done and past in the same," was bound as well by an ancient resolution that "the entry of the Clerk of particular men's speeches was without warrant." <sup>5</sup> Over the years this stricture was punctiliously observed. The Clerk recorded only those remarks to which another member had formally objected. <sup>6</sup> Even questions and answers, unless incorporated into a motion or resolution, were never recorded in the British JOURNALS.

The history of parliamentary printing parallels the struggle between the Commons and the administration in the days when the latter was independent of and in no way responsible to the Commons. Then, Command Papers represented executive strength. Sessional Papers, on the other hand, reflected the Commons' initiative.

These were official publications. Parliamentary debates were unofficial, and were published by printers who knowingly risked legal proceedings every time they printed a report.<sup>7</sup> For years Parliament "kept the press in a kind of mysterious awe, which made it necessary to have recourse to such devices."<sup>8</sup> Reporters were forbidden to take notes in the Commons' Public Gallery upon pain of reprimand from Mr. Speaker, or a term in prison.<sup>9</sup> A few risked taking and smuggling notes from the Gallery. Others simply attended Parliament, listened to the proceedings and afterwards wrote them up from memory.<sup>10</sup>

The most unorthodox of these methods were made famous by their most brilliant practitioner, Dr. Samuel Johnson. From 19 November 1740 until 23 February 1743 Johnson wrote debates for Edward Cave's GENTLEMAN'S MAGAZINE under the non-actionable but transparent titles of "Debates in the Senate of Great Lilliput" and "Debates of the Political Club."<sup>11</sup> Johnson's debates, later a primary source for parliamentary histories, began when William Guthrie memorized them, transcribed them and sent them to Dr. Johnson via publisher Cave. Johnson revised them. At a later period he did them entirely himself, though "sometimes ... he had nothing more communicated to him than the names of the several speakers, and the part which they had taken in the debate."<sup>12</sup> He manufactured these debates, "the mere coinage of his own imagination,"<sup>13</sup> at the frenetic rate of three MAGAZINE columns an hour.<sup>14</sup> He usually attempted to compose each speech in the speaker's own style, but "he always took care to put Sir Robert Walpole in the wrong, and to say every thing he could against the electorate of Hanover,"<sup>15</sup> and "the Whig dogs."<sup>16</sup> Johnson's editor was several times reprimanded for publishing these debates;<sup>17</sup> he persevered nonetheless and so did several other editors.

In 1771 the battle of Parliament against the Press was largely ended by Parliament's capitulation to public opinion. Two printers were arrested for failing to appear at the Bar of the House on charges of "misrepresenting the speeches and reflecting on several members of this House." The two City of London aldermen hearing their case dismissed the charges and released the printers from custody. In addition, one of the aldermen, John Wilkes, who was also MP for Middlesex, ordered the printers to prosecute their arresting officer. Soon a third printer was arrested on the same charge. The Lord Mayor Brass Crosby and aldermen William Oliver and Wilkes freed him as well. They also committed the messenger executing the arrest warrant for assault. Then the three defiant officials repeatedly ignored summons to appear at the Bar of the Commons. The Commons finally had two of them, Mayor Crosby and alderman Oliver, committed to the Tower of London, only to see them gain early release at Parliament's prorogation: Parliament can keep prisoners only for the duration of its own life. Thereafter massive popular demonstrations in support of the released prisoners convinced the Commons to cease its persecution of parliamentary reporters though some years elapsed before they were granted real tolerance.<sup>18</sup>

After 1771 overt persecution was succeeded by the new tactic of strictly enforcing the standing order for the exclusion of "strangers". This policy succeeded to the extent that the 13th Parliament, from May 1768 to June 1774, was known as the "the Unreported Parliament". Ironically, posterity has not been the loser, because one of the Commons' own members undertook to report the debates himself. Sir Henry Cavendish, MP for Lostwithiel from 1768 to 1774, recorded forty-eight volumes quarto of what he judged to be the most important debates of the session. These included the debates on the Quebec Act which have been of such great interest to Canadian historians. Cavendish not only took excellent Gurney shorthand, but his reports have other advantages as well.



The speeches are more minutely detailed than is usual, or even necessary, in parliamentary reporting; but, from this exactness and fulness, one great advantage is derived — that every speech contains the actual words made use of, taken down without the least attempt at embellishment, and with such evident marks of the peculiar mind of the speaker, that we seem to have before us the very man himself.

It is another source of advantage to these Debates, that they were all reported by one person, sitting in the House, not liable to be confused by interruptions, not liable to be turned out in the middle of a speech, and having no motive for the immense labour which he underwent, but the desire of possessing himself of a record of the proceedings of the time, taken with the utmost accuracy.<sup>19</sup>

By the end of the 18th Century reporters worked regularly from the Galleries, and in 1803 the Commons' Speaker Abbot set aside the back row of the Public Gallery specially for reporters.<sup>20</sup> After the Fire of 1834 the rebuilt Parliament Buildings contained an official Reporters' Gallery.<sup>21</sup>

The people's identification with the Press' struggle against Parliament ultimately won them both the right and the means to know what passed within the deliberative chambers of their elected representatives. Originally the members of the Commons, both symbols and representatives of their oppressed people, had insisted upon the right to "parliamentary privilege". This privilege consisted principally of freedom of debate, and was at first preserved by vigilance and secrecy.<sup>22</sup> After 1771 vigilance by secrecy replaced vigilance by persecution; sometime after the "Unreported Parliament" toleration replaced secrecy; in 1803 encouragement replaced toleration. At last parliamentary reporting was officially acknowledged and even provided for in a tangible and constructive manner.

It was in this same year that William Cobbett published the *PARLIAMENTARY DEBATES*, forward from 1803, as a supplement to his *WEEKLY POLITICAL REGISTER*. Three years later he undertook the formidable task of publishing the debates from 1803 backwards. He did this by collating all the important sources for parliamentary reporting, such as Dr. Johnson's fabrications, under the title *PARLIAMENTARY HISTORY OF ENGLAND. FROM THE NORMAN CONQUEST, IN 1066. TO THE YEAR, 1803*. His main source for the period 1066 to 1660 was *THE OLD PARLIAMENTARY or CONSTITUTIONAL HISTORY OF ENGLAND*, which he compressed into his first three volumes. These debates, and those covering the period from 1660 to 1714, are so inadequately presented that they must be supplemented by various manuscript sources. The later volumes in the *PARLIAMENTARY HISTORY* contain almost contemporary accounts, and are therefore less unreliable, though even the best sources such as Dr. Johnson render Cobbett's entire *HISTORY* suspect when it is judged in terms of the modern criteria for evaluating parliamentary reporting. Cobbett's other main sources are: the *JOURNAL* of Sir Simonds D'Ewes; the collections of Rushworth, Somers and Hardwicke; the Debates of the Commons in 1620 and 1621; Chandler and Timberland's *DEBATES*; Grey's *DEBATES* of the Commons from 1667 to 1694; Almon's *DEBATES*; and Debrett's *DEBATES*.<sup>23</sup> These works were produced by methods ranging from reasonably accurate (smuggled notes) to highly selective and interpretative (notes compiled from memory), from completely imaginary but very probable (Dr. Johnson's Tories) to deliberately falsified (Dr. Johnson's Whigs). However, they may be supplemented and verified by a vast number of pamphlets, newspaper reports, and even accounts in manuscript collections. These thirty-six volumes are the direct ancestor of *HANSARD*.

The debates from 1803 are divided into Five Series of PARLIAMENTARY DEBATES. The First Series is Cobbett's PARLIAMENTARY DEBATES, 1803-1820,<sup>24</sup> published from 1812 "under the superintendence" of Thomas Curson Hansard. The Second Series, published in 1829 as HANSARD'S PARLIAMENTARY DEBATES, covers the period 1820 to 1830; Third Series, 1830 to 1891; Fourth Series, THE PARLIAMENTARY DEBATES (authorized edition) 1892 to 1908. The Fifth Series, from 1909 onwards, is the Official Report, printed by His Majesty's Stationery Office. In 1943 the name "Hansard" was added to the title page as belated tribute to the family publishing firm so long patronized by the Commons.<sup>25</sup>

#### MR. HANSARD 1830-1891

This brief survey of parliamentary reporting provides the historical background and context in which to examine in some detail the Third Series, from 1830 to 1891. This Series gives in its turn the historical background for Canada's nineteenth Century Parliaments, and for its parliamentary reporting techniques. "Hansard" is the name associated with this period. In 1821 Cobbett sold his interest in the POLITICAL REGISTER to Thomas Curson Hansard, Common's Printer Luke Hansard's son, who as a partner in his father's firm of Luke Hansard & Sons had been publishing the REGISTER since it began in 1803.<sup>26</sup> Hansard's system for producing the debates is of considerable interest for our Canadian study. During his tenure, HANSARD'S PARLIAMENTARY DEBATES were "compiled by gentlemen of some literary importance, from every source which was at that time available; newspapers, pamphlets, manuscripts, and other very miscellaneous sources; but ... never from reports in the Reporters' Gallery."<sup>27</sup> This methodology was not substantially modified until years after Hansard's death in 1833.

In 1833, Hansard's eldest son, also named Thomas Curson, became proprietor and manager of the firm.<sup>28</sup> He employed a staff to fashion debates from collations of the reports in the London and county newspapers, Press Association reports, and any relevant public documents.<sup>29</sup> Yet his system produced reports too painfully inadequate to overcome even such competition as Charles Dicken's employer THE MIRROR OF PARLIAMENT.<sup>30</sup> In addition to its poor quality, HANSARD'S publishing delays made it almost useless for current reference.<sup>31</sup> By 1855, Hansard faced bankruptcy.<sup>32</sup> However, the Treasury rescued him by guaranteeing to purchase one hundred sets at the price private members paid. In 1858, one hundred and twenty sets were taken. By 1878 this had increased to one hundred and twenty-four.<sup>33</sup> Despite this arrangement the enterprise continued as a private one, unconnected to the government. It provided only security enough to enable Hansard to continue it, and impetus enough to improve and develop his methodology. In fact we know a great deal about his methodology because he was more than once called upon to give detailed testimony about it. This is fortunate for the present study because Canadians considered his finished work the epitome of parliamentary reporting, and consequently their model and ideal.

Hansard's methodology was always based on collation of different materials. The page proofs of the debates thus produced were sent to the members whose remarks had been reported. Approximately half of them responded and returned corrected versions of their speeches.<sup>34</sup> This was supposed to guarantee that the speeches were accurately reported, though in fact a guarantee was impossible be-



cause the newspapers used to collate debates were all victims of "undeniable and universally acknowledged deterioration".<sup>35</sup> Consequently,

The existing reports collected by Mr. Hansard, though perhaps as good as could be expected under the circumstances, are yet so far from excellence, that many Members have ceased to even open the reports of their speeches, which are sent to them for correction. Knowing that the reports, in any case, would be travesties of what they had said, they were indifferent as to whether the travesty was great or small, and refused to take interest in, or accept any responsibility for, the report. Such a state of things deprives "Hansard" of almost any authority.<sup>36</sup>

Hansard's attitude towards his work compounded the problem of inadequate source material. No doubt influenced by the tradition of Johnson, Dickens and other literary giants, he claimed that his HANSARD was also a literary production.<sup>37</sup> Therefore he judged verbatim reports, or apparently even substantive reports, of no great value. "It might happen that you put into a Member's mouth what he ought to have said, rather than what he said?" Hansard was asked. "That would not be a very great evil," he replied.<sup>38</sup> Though he was trained in the law,<sup>39</sup> where courtroom proceedings are reported verbatim, complete with grammatical lapses,<sup>40</sup> Hansard felt that verbatim parliamentary reporting conflicted with literary considerations. In addition, he believed that "the public do not require verbatim reports."<sup>41</sup> In theory Hansard's methodology and his goals combined a reasonable approach to the available material with inappropriate and unattainable literary aspirations. In practice, his work evidenced much less concern with the latter aspect than his testimony indicated.

HANSARD was critically evaluated throughout the third period. Several contemporaries expressed no little contempt for both Hansard's work and for the system which produced it. "I understand he simply prepares reports, and like an eclectic philosopher, picks out the passages which he understands to be most representative of the characteristics of the speaker," one of his contemporaries commented.<sup>42</sup> Veteran parliamentary reporter Charles Ross, Supervisor for the LONDON TIMES' Reporters' Gallery, testified about the use of his paper's reports: "Of course Hansard has done nothing but cut them out."<sup>43</sup> Other knowledgeable witnesses agreed. "Hansard is practically copied from the 'Times'"<sup>44</sup> and "He takes ... his reports practically from 'The Times' newspaper...."<sup>45</sup> they said. HANSARD was universally admired for only one feature: its format. As a printer Hansard was excellent; as an editor he was unable to satisfy even his own explicit criteria. In reality he relied almost entirely upon the labours of the LONDON TIMES' reporters. Nonetheless he was not thrown out of business. Instead, various parliamentary officials made several attempts to improve the quality of his work.

The Commons finally confronted the problem of HANSARD's inadequacy in 1877 when a Select Committee decided after careful investigation to change the nature of the agreement with Hansard. Instead of merely buying whatever he produced, the government subsidized him to report four specific areas of the Commons' proceedings. These four areas were: 1) discussion on Private Bills "By Order", 2) discussion on Committee of Supply, 3) discussion in Committee on Public Bills and 4) debates after midnight. This contract automatically exempted Hansard from reporting most Wednesday sittings, when private members' bills as opposed to private bills "By Order", were debated.<sup>47</sup> These Wednesday proceedings were largely ignored by the Press. This meant that Hansard, because of his great dependence on the newspapers for reports of everything except his own four points,

was helpless to provide even barely adequate reports of Wednesdays' proceedings. He himself described this situation as "the blot on the whole system of Parliamentary reporting."<sup>48</sup>

Hansard's new contract involved him in his first change in methodology since he had assumed his father's business. He had to employ parliamentary reporters. He had a seat in the Commons' Reporters' Gallery, reserved until 6 o'clock P. M. when he had to surrender it.<sup>49</sup> One of his staff of five shorthand writers always occupied the seat during proceedings on the four points.<sup>50</sup> The reporters edited the speeches, improved grammar and syntax, and eliminated repetitious materials. They took only very exceptional speakers in the first person, for Hansard actually believed some M.P.s to be incapable of expressing their opinions in their own words: "There are some speakers who really cannot be reported in the first person," he testified.<sup>51</sup> The transcribed speeches were sent to "undergo also a collation and revision where there are other sources of information" such as public documents.<sup>52</sup> Then they fell under the editorial pen of Hansard himself. Hansard even edited members' corrections. "If a speech be returned to me corrected in a manner I do not like, I put it aside, and print the original report," he informed a Select Committee.<sup>53</sup>

Judged by our modern criteria, Hansard's HANSARD was wrongly conceived. Judged within its own historical context, it was inadequately produced, failing to satisfy even its editor's standards. "It is literary work; it is collation," Hansard explained,<sup>54</sup> but his final product satisfied no literary goals, and in fact was not really even collation, for even after he employed his own reportorial staff he lifted his texts almost entirely from the columns of the LONDON TIMES. As a source for the proceedings in the House of Commons HANSARD's authority is based mainly on the fact that it is well known, helpfully indexed, and readily accessible. Its reputation for excellence, accepted uncritically in Canada, was never established in England by men who had a personal acquaintance with the Parliament which it reported. "The authority of 'Hansard' is not, and never has been in any sense official or authoritative; it has rested always upon the confidence placed in the character of those who conduct it," its editor believed.<sup>55</sup> But the important criterion is not the character of those responsible for a production but rather the standards established for it, its methodology, and the successful use of that methodology to achieve the stated goals. The prestige of the Hansard family and its reputation for excellence in the printing trade was an unfortunately important influence in maintaining the inferior HANSARD as the main source for the Commons' debates.<sup>56</sup> The Joint Select Committee of the House of Lords and Commons of 1888 was of this opinion as well, concluding that "the present system under which Debates and Proceedings in Parliament are reported is inconvenient and inadequate...." Nor did that system conform in any way to the Committee's recommendations for an ideal official HANSARD.

An Official Report must be *verbatim*, and except, perhaps, as to gross grammatical errors, *uncorrected*. It must be *verbatim*, because the length at which each member should be officially reported cannot be left to the discretion of the reporter.... It must be *uncorrected*, except as to grammatical errors, because ... further corrections might involve the alteration of what had actually been said, and would so far prejudice the credit and interest of the Report.<sup>57</sup>



## CONTRACT HANSARD 1891-1909

Despite this official disapproval of his work, Hansard's contract was continued for another two disappointing years. Then the Hansards sold their shares to the Hansard Publishing Union. Soon afterwards the Union declared bankruptcy. Subsequently, one firm after another held the contract, giving it up each in turn to an equally unsatisfactory successor. Speeches were still reported verbatim only on very special occasions, and as a rule were neither fully nor even accurately reported. At last in 1907 a new Select Committee recommended that government assume the cost and, most important, the responsibility for parliamentary reporting. As a result, the first verbatim Official Report of the debates of the House of Commons appeared in 1909.<sup>58</sup> Only in the 20th Century has England been able to make satisfactory arrangements for accurate reports of the proceedings of its House of Commons.

The reasons for the centuries-long delay in making these arrangements tell the constitutional and ideological history of both Parliament and parliamentary reporting. Above all others in importance was the question of parliamentary privilege. In its centuries-long struggle for legislative and administrative supremacy, Parliament jealously guarded the right of each of its members to speak freely in the House exempt from punishment and censure. Parliamentary privilege became an established tradition.

Parliament must be as independent as possible, and individual Members and Senators as free as possible of external restraints and pressures, in the transaction of public business. The privileges of each House of Parliament, and of the members thereof, are based upon those enjoyed by the House of Commons in the United Kingdom as part of the *lex et consuetudo parliamenti*, the ancient law of parliament. In general any act or omission which obstructs or impedes either House, or any member or officer thereof, in the performance of parliamentary duties, is a breach of privilege — a contempt of parliament — which is punishable as such by the House concerned. An offender may be brought before the bar of the House and admonished or even imprisoned for the breach. In addition, each member of either House has the privilege of freedom of speech in anything he may say in pursuance of his parliamentary duty.<sup>59</sup>

Before it became a cherished tradition, privilege was overwhelmingly important, because it had a primarily practical significance. Arduously won in inch by inch concessions, it was the Commons' defense against repression and vicious persecution. First and foremost it was a weapon, an impenetrable coat of armour to envelop vulnerable M.P.s. While this privilege was being secured on the practical level, it was also being ideologically developed, and safeguarded. Breach of parliamentary privilege constituted contempt of the House; contempt incurred certain carefully-defined penalties.<sup>60</sup> Parliamentary privilege was thus established as part of the parliamentary system, incorporated into the constitutional framework, and it has remained an integral part of British parliamentary practice and theory.

Intimately related and almost parallel was the struggle for freedom of the Press. Those who would defend the people's representatives against mighty and oppressive rulers, and those who supported the people's right to know what their elected representatives said and did, tread ideologically common ground. The public's right to know was necessarily associated with the agency of their knowing, the Press. Therefore liberty for the one would seem to secure the other's right. Yet for Cen-

turies this premise was tactically if not fundamentally false. Freedom of the Press was in fact irreconcilable with parliamentary privilege. Privilege meant more than exemption from suits based on remarks made in the House. Privilege was associated with secrecy; for example, a single member could have the House emptied by "espying strangers" present who were not authorized parliamentary personnel.<sup>61</sup> Even when strangers were permitted to attend, "the theory of the law is that no person is authorized to repeat things that pass in Parliament."<sup>62</sup> In 1738 this theory became an actual issue and the incensed House unanimously resolved that

it is a high indignity to, and a notorious breach of the privileges of this House to print the debates or other proceedings of the House, as well during the recess as the sitting of Parliament, and that this House will proceed with the utmost severity against such offenders.<sup>63</sup>

Gradually, as we have seen, popular encouragement of parliamentary reporting prompted an end to open persecution after 1771 and led to tolerance by 1803 and to acknowledged right in 1835. Newspaper accounts of parliamentary proceedings were still not privileged, but the tradition was established that actions would be taken against publishers only for violation of civil rights, and never because the very existence of the reports constituted a breach of parliamentary privilege.<sup>64</sup>

Acceptance of parliamentary reporting in the newspapers forced Parliament to grapple with the new issue of whether or not the House had a right to publish an official report of its own proceedings. The problem lay in the risk of legal proceedings being instituted against members if the official reports contained allegedly libellous material. Newspaper accounts of parliamentary proceedings, for instance, were *not* privileged; they were merely a "repetition by an unauthorized person of the speaker's words."<sup>65</sup> This question had to reach crisis proportions before it was settled.

In 1837 John Joseph Stockdale swore out a libel action against the Hansard family's publishing company for having published a report of the Inspector of Prisons which included allegedly libellous material. What transformed this essentially legal problem into a real crisis was the commitment to Newgate Prison of the two Sheriffs of London, Messrs. Wheelton and Evans, for executing the Queen's Writ against Hansard. Litigation dragged on for years after their release. It ended only with the passage of an Act of Parliament prohibiting actions based on reports printed by order of the Houses. Such reports thereby became privileged.<sup>66</sup> This Act constituted the legislative and legal end to the issue.

Nonetheless it lingered on as a problem for the tradition-oriented parliamentarians. The experts gave it as their opinion that an authorized Official HANSARD either fell within the category of privileged reports described in the Stockdale case Act or that another act could easily be passed to give HANSARD this status. This opinion still failed to reassure some members. Canadian M.P.s felt a similar reluctance and uneasiness when confronted with the same problem. "The question of privilege was one which gave us all concern; that we should be authorizing, under the authority of the House, that which might be possibly libellous, but I do not know of any instance in which the difficulty has practically arisen."<sup>67</sup> The dim feeling of uneasiness was stronger than the reality. Sometimes it stemmed from a vaguely expressed but strong emotional conviction that no change should be made. Historical continuity had to be preserved.

Even after the main problem, breach of parliamentary privilege, had been satisfactorily reconciled, minor problems and a continued reluctance to act prevented the



immediate introduction of an official HANSARD. It was argued for example, that if Parliament alone could guarantee the impartiality of an official report, then by the same token Parliament was responsible for its impartiality. "The people have a right to have a report of the debates of their representatives which has some official character, and which is not tainted by the supposed political proclivities of the different newspapers, which would otherwise be the sole repositories of the proceedings of this House," said one Canadian Prime Minister.<sup>68</sup> But through what specific agency should Parliament exercise its responsibility? Through a Committee specially appointed for the purpose? through the Speaker, to whom the reports would be delivered and who could decide whether a report was exact? through the chief of the reporting staff, who by virtue of his contact with Parliament and parliamentary reporters could judge whether or not a report was accurate?

There were additional problems and considerations. An important question was whether the report should be verbatim or abridged. A few parliamentarians favoured verbatim reporting. Many more argued against what they considered its excessive length, its inclusion of errors, and its unnecessary repetition. This group usually favoured an abridged, edited and revised report but could not suggest means to guarantee against substantive alterations. Therefore they were compelled to accept the verbatim report by default, and without enthusiasm. These questions were admittedly technical ones, and while it was important that each be dealt with seriously, none would have deterred a committed Parliament from making suitable and early arrangements for a HANSARD.

Another issue concerned free enterprise and its rights. "Such was the prestige of HANSARD as a private enterprise that Great Britain was the last parliamentary country to establish an official report of debates,"<sup>69</sup> is a common enough belief. A truer explanation would result from ellipsizing this statement. Such was the prestige of ... private enterprise that Great Britain was the last parliamentary country to establish an official report of debates. However, private industry had done such a consistently poor job for so many years that it was plain to everyone that HANSARD was not an attractive commercial proposition. The 1888 Committee on Parliamentary Reporting particularly underscored this point. "The debates in Parliament form a most important, if not the most important, part of our history. It seems absurd and false economy on the part of a great nation to leave to chance the records of the most important factor in the making of its history."<sup>70</sup>

Some objections to an official HANSARD cannot be classified into any category other than eccentricity or obstinacy. For instance, Leonard Henry Courtney, Chairman of Committees in the House of Commons, advised against recording parliamentary proceedings for purposes of historical research. "I do not wish to preserve forever the materials out of which results have been formed, or to keep every stage of the growth of every man, or, to use another simile, to keep the scaffolding always around the building after the building is finished," he testified, adding that:

those who are to come after us will live under the weight of material we are accumulating.... It is a question of cost altogether, not merely pecuniary cost, but the cost of the wear and tear of our lives and the lives of other people, in having to go through the mass of rubbish which would be accumulated for us to study; we should not be able to live.<sup>71</sup>

## HANSARD 1909-1969

When in 1909 the House of Commons did get around to publishing its own HANSARD, the format and methodology decided upon was precisely as it is today. HANSARD both then and now is the official report of all debates though not of the entirety of parliamentary proceedings.<sup>72</sup> It includes every word spoken in Parliament: all debates, the answers to both oral and written questions, and all divisions.<sup>73</sup> The shorthand writers, Editor of Debates, and Assistant Editors are all part of the staff of Parliament. HANSARD reporters, working ten minute shifts from the front row of the Reporters' Gallery, attend all sittings.<sup>74</sup> The revisions of their transcriptions are limited to correcting grammar, spelling and punctuation errors, certain other so-called grammatical faults such as split infinitives, and incorrect forms of address, e.g. the Honourable and gallant Member, instead of the Honourable and learned Member. There is also a carefully controlled ironing out of rough constructions and awkward passages. No substantive changes are permitted. Members are permitted to make no alterations in their speeches, and their corrections are subject to the Editor's approval.<sup>75</sup> Thus the provisions for HANSARD resolve all the problems that unwilling and sluggish parliamentarians had deemed almost insolvable. Ironically, Britain's HANSARD of 1909 was modelled on Canada's, Canada having in 1880 caught up with and then surpassed the mirror whose reflection she had been.<sup>76</sup>

## Footnotes — Chapter II.

1. Hopkins, *HOW PARLIAMENT WORKS*, pp. 29-30, citing Sir John Bourinot.
2. Richard A. Chapman, "The Significance of Parliamentary Procedure," *PARLIAMENTARY AFFAIRS*, vol. XVI, 1962-63, pp. 179-180.
3. Hopkins, *HOW PARLIAMENT WORKS*, p. 29.
4. Norman Wilding and Philip Laundy, *AN ENCYCLOPEDIA OF PARLIAMENT*, p. 478.
5. SELECT COMMITTEE APPOINTED TO CONSIDER WHETHER IT IS PRACTICABLE AND EXPEDIENT TO PROVIDE A COMPENDIOUS RECORD OF PARLIAMENTARY PROCEEDINGS FOR THE USE OF MEMBERS, 1862, Questions 2, 4, p. iii (135). This source will hereafter be cited as SELECT COMMITTEE, 1862. See also Maurice Bond, "The Office of Clerk of the Parliaments," *PARLIAMENTARY AFFAIRS*, vol. XII, 1959, p. 297. Today the Clerk of the Parliaments takes an oath swearing among other things that: "I will also well and truly serve Her Highness in the Office of Clerk of Her Parliaments making true Entries and Records of the things done and passed in the same. I will keep secret all such matters as shall be treated in Her said Parliaments and not disclose the same before they shall be published, but to such as it ought to be disclosed unto...."
6. *IBID.*
7. One M.P., Sir E. Dering, was even imprisoned when he published a collection of his own speeches.
8. James Boswell, *LIFE OF JOHNSON*, pp. 84-85.
9. Wilding and Laundy, *AN ENCYCLOPEDIA OF PARLIAMENT*, pp. 478-482; James D. Symon, *THE PRESS AND ITS STORY*, pp. 75-80; Mary McLean, "Early Parliamentary Reporting in Upper Canada," *C.H.R.*, vol. XX, no. 4, 1939, p. 378, citing John Pendleton, *NEWSPAPER REPORTING*, who said of parliamentary reporters of the 18th Century: "He was held in scorn, looked upon as an eavesdropper, an interloper, a low fellow; he took notes in secret, apologized in public, and narrowly escaped being flung into the Thames."
10. Wilding and Laundy, *AN ENCYCLOPEDIA OF PARLIAMENT*, p. 481; Boswell, *LIFE OF JOHNSON*, pp. 84-85.
11. Boswell, *LIFE OF JOHNSON*, pp. 108-109; Wilding and Laundy, *AN ENCYCLOPEDIA OF PARLIAMENT*, p. 481.
12. Boswell, *LIFE OF JOHNSON*, p. 85.
13. *IBID.*, pp. 1385-1386.
14. *IBID.*



15. *IBID.*, p. 1308.

16. McLean, "Early Parliamentary Reporting in Upper Canada," p. 378; Symon, *THE PRESS AND ITS STORY*, p. 78.

17. Wilding and Laundry, *AN ENCYCLOPEDIA OF PARLIAMENT*, p. 481; Symon, *THE PRESS AND ITS STORY*, pp. 75-78: with another offender, Cave had to go onto "his knees at the Bar of the House ((and)) had to make an abject apology, coupled with a promise never to offend again." p. 78.

18. Symon, *THE PRESS AND ITS STORY*, p. 14; Wilding and Laundry, *AN ENCYCLOPEDIA OF PARLIAMENT*, pp. 482-483.

19. Sir Henry Cavendish, *DEBATES OF THE HOUSE OF COMMONS IN THE YEAR 1774*, p. x.

20. Wilding and Laundry, *AN ENCYCLOPEDIA OF PARLIAMENT*, p. 483; Kraus Reprint Co. advertisement for *HANSARD'S PARLIAMENTARY DEBATES, 1803-1899*, pp. 1, 3.

21. Wilding and Laundry, *AN ENCYCLOPEDIA OF PARLIAMENT*, p. 483.

22. Of course the competence of parliamentary privilege was often extended to slightly absurd limits; for instance, in the 18th Century members tried to invoke parliamentary privilege to prevent poaching on their property. See D.C.M. Yardley, "The House of Commons and its Privileges since the Strauss Affair," *PARLIAMENTARY AFFAIRS*, vol. XV, 1961-62, p. 500.

23. Wilding and Laundry, *AN ENCYCLOPEDIA OF PARLIAMENT*, p. 284; "Bibliographical Aids to Research," *BULLETIN OF THE INSTITUTE OF HISTORICAL RESEARCH*, vol. X, 1932-33, pp. 171, 172-174, 177.

24. Martin Burrell, on p. 265 of *BETWIXT HEAVEN AND CHARING CROSS*, in the chapter entitled "Hansard" writes that "In 1803 Cobbett regarded Parliament, then at the height of its unreformed glory, as the wicked instrument of the abuses against which, he was crusading. The remedy was full publicity. So ... he published *COBBETT'S PARLIAMENTARY DEBATES*, the first real attempt at verbatim reporting of speeches in the House."

25. "Bibliographical Aids to Research," *BULLETIN OF THE INSTITUTE OF HISTORICAL RESEARCH*, vol. X, 1932-33, p. 177; Wilding and Laundry, *AN ENCYCLOPEDIA OF PARLIAMENT*, p. 451.

26. Henry Richard Tedder, "Hansard, Luke," and "Hansard, Thomas Curson," *ENCYCLOPAEDIA BRITANNICA*, p. 1192; Wilding and Laundry, *AN ENCYCLOPEDIA OF PARLIAMENT*, p. 284.

27. *SELECT COMMITTEE ON PARLIAMENTARY REPORTING, 1878*, Question 160, p. 9 (17).

28. *IBID.*, Henry Richard Tedder, "Hansard, Luke," and "Hansard, Thomas Curson," *ENCYCLOPAEDIA BRITANNICA*, p. 1192; Wilding and Laundry, *AN ENCYCLOPEDIA OF PARLIAMENT*, p. 284.

29. *SELECT COMMITTEE ON PARLIAMENTARY REPORTING, 1878*, Question 167, p. 9 (17); *REPORT FROM THE JOINT SELECT COMMITTEE OF THE HOUSE OF LORDS AND THE HOUSE OF COMMONS, ON THE COST AND METHOD OF THE PUBLICATION OF THE DEBATES AND PROCEEDINGS IN PARLIAMENT; TOGETHER WITH THE PROCEEDINGS OF THE COMMITTEE, MINUTES OF EVIDENCE, AND APPENDIX, 1888*, Question 60, p. 9 (431), Question 66, p. 9 (431), Question 71, p. 10 (432). This source is afterwards cited as *SELECT COMMITTEE, 1888*.

30. When Dickens was on the *MIRROR OF PARLIAMENT*, it was probably not as bad as usual. William J. Carlton, in *CHARLES DICKENS: SHORTHAND WRITER*, p. 87, points out that in 1833 the *MIRROR* "was quoted as the authoritative record of the debates 27 times in the House of Commons and five times in the House of Lords." However, we read in *THE HISTORY OF THE TIMES: THE "THUNDERER" IN THE MAKING*, p. 427, that the *TIMES*, which was acknowledged by all to be the very best source for parliamentary reports, wrote that "No-one who knows anything about the *MIRROR OF PARLIAMENT* can understand it to be any such thing (as an authentic record of the proceedings of Parliament). It is an authentic record of the speeches which noble lords or hon. members, after a day's reflection, think they *ought* to have made; but it is not an authentic record of the speeches which they actually *did* make. The version of a member's speech, given by the reporters for the *MIRROR OF PARLIAMENT* (who have been frequently the reporters for the morning papers and some of them reporters for *THE TIMES*), is sent to the member who made the speech, in order that he may *correct* it — as the operation is delicately termed. If this version contain passages which the noble or honourable orator repents him of, or which may be disagreeable to his constituents, he strikes them out, of course; and if (which after having heard the speeches of others, is not improbable) any good things occur to him, as things which he might have said with advantage, it is not to be expected that he will resist this temptation of inserting them, though he never thought of uttering them at the time. Now, it can hardly be necessary to suggest,

that no reliance is to be placed upon reports of the proceedings in Parliament which are conducted upon such a system as this." pp. 427-428.

31. Wilding and Laundy, *AN ENCYCLOPEDIA OF PARLIAMENT*, pp. 284-285 ; *SELECT COMMITTEE*, 1888, Questions 1102, 1103, p. 112 (543).

32. Wilding and Laundy, *AN ENCYCLOPEDIA OF PARLIAMENT*, p. 285.

33. *IBID.* ; *SELECT COMMITTEE ON PARLIAMENTARY REPORTING*, 1878, Questions 242, 243, p. 16 (24).

34. *SELECT COMMITTEE ON PARLIAMENTARY REPORTING*, 1878, Question 167, p. 9 (17).

35. *SELECT COMMITTEE*, 1888, p. xi (421).

36. *IBID.*

37. *SELECT COMMITTEE ON PARLIAMENTARY REPORTING*, 1878, Question 169, p. 9 (17).

38. *IBID.*, Question 190, p. 12 (20).

39. *SELECT COMMITTEE*, 1862, Question 408, p. 35 (181).

40. *SELECT COMMITTEE*, 1888, Question 315, p. 34 (456).

41. *SELECT COMMITTEE ON PARLIAMENTARY REPORTING*, 1878, Question 311, p. 21 (29).

42. *SELECT COMMITTEE*, 1888, Question 334, p. 37 (459).

43. *SELECT COMMITTEE ON PARLIAMENTARY REPORTING*, 1878, Question 848, p. 60 (68).

44. *SELECT COMMITTEE*, 1888, Question 1083, p. 110 (532).

45. *IBID.*, Question 589, p. 59 (481). See also *THE HISTORY OF THE TIMES : THE TRADITION ESTABLISHED*, p. 449 : "Hansard was sometimes a broken reed...."

46. *SELECT COMMITTEE ON PARLIAMENTARY REPORTING*, 1878, Question 183, p. 11 (19) ; *SELECT COMMITTEE*, 1888, Question 589, p. 59 (481).

47. *SELECT COMMITTEE ON PARLIAMENTARY REPORTING*, 1878, Question 257, p. 17 (25).

48. *IBID.*, Question 258, p. 17 (25).

49. Hansard had one of the front seats in the Gallery which contained in all 19 seats, 15 for the London Press, of which the *LONDON TIMES* had 3, 3 for the Press Associations, and Hansard's 1. See *THE HISTORY OF THE TIMES : THE TRADITION ESTABLISHED*, p. 448.

50. *SELECT COMMITTEE*, 1888, Questions 61, 62, 63, 64, p. 9 (431).

51. *IBID.*, Question 112, p. 13 (435).

52. *SELECT COMMITTEE ON PARLIAMENTARY REPORTING*, 1878, Question 189, p. 12 (20).

53. *SELECT COMMITTEE*, 1888, Question 24, p. 5 (427).

54. *SELECT COMMITTEE ON PARLIAMENTARY REPORTING*, 1878, Question 189, p. 12 (20).

55. *IBID.*, Question 317, p. 22 (30).

56. The excellence of the Hansards' printing is unquestioned ; even the Thomas Curson Hansard whose parliamentary reporting is challenged, was an expert on printing, and even wrote books on the history of printing. The Hansards who published the parliamentary papers, who painstakingly prepared manuscripts and indexed them, were another and quite separate branch of the parliamentary reporting Hansards, though they were both engaged in parliamentary printing. No doubt the right of Hansards to print the parliamentary papers was as emotionally significant a question to many parliamentarians as it was to the Hansards themselves. Luke Graves Hansard, for example, wrote : "Our constant attention has been directed to retain inviolate the printing for the H.C. As all our fortune was involved in this business — as we were the appointed persons for executing it — there seems no presumption in considering it (under the blessing of Providence) as our rightful portion, and therefore just in us to use every honest means to retain it and resist all encroachments.... We considered all Public Parliamentary Printing connected with the H.C. as our right." P. and G. Ford (eds.), *LUKE GRAVES HANSARD, HIS DIARY, 1814-1841. A CASE STUDY IN THE REFORM OF PATRONAGE*, reviewed by John Palmer, *PARLIAMENTARY AFFAIRS*, vol. XV, 1961-62, p. 529.

57. *SELECT COMMITTEE*, 1888, p. iii (413).

58. Wilding and Laundy, *AN ENCYCLOPEDIA OF PARLIAMENT*, p. 285.

59. Hopkins, *HOW PARLIAMENT WORKS*, p. 27.

60. Earl Young, *HANSARD*, from a broadcast on radio stations in November 1944.

61. In England this was not much used as a device to clear the Galleries in the mid-nineteenth Century, the period of special interest for this project. For example, in 1833 Daniel O'Connell "espied strangers," but his efforts to thus clear the Galleries "died of ridicule." In

1875 another member again "espied strangers" and the House was temporarily cleared, but immediately a motion was carried suspending the order to clear the Galleries. See Symon, *THE PRESS AND ITS STORY*, p. 82.

62. SELECT COMMITTEE, 1888, Question 288, p. 31 (453).
63. Wilding and Laundy, *AN ENCYCLOPEDIA OF PARLIAMENT*, p. 481.
64. SELECT COMMITTEE, 1888, Question 291, p. 31 (453); Wilding and Laundy, *AN ENCYCLOPEDIA OF PARLIAMENT*, pp. 451, 482-483.
65. SELECT COMMITTEE, 1888, Question 288, p. 31 (453).
66. *IBID.*, Question 289, p. 31 (453).
67. SELECT COMMITTEE ON PARLIAMENTARY REPORTING, 1878, Question 2015, p. 149 (157).
68. *IBID.*, Question 1957, p. 143 (151).
69. Kraus Reprint Co. advertisement for *HANSARD'S PARLIAMENTARY DEBATES*, 1803-1899, p. 4.
70. SELECT COMMITTEE, 1888, p. x (420).
71. *IBID.*, Questions 616, 617, 623, pp. 61-62 (483-484).
72. Wilding and Laundy, *AN ENCYCLOPEDIA OF PARLIAMENT*, p. 284, who cite Speaker's Rulings of 16 and 17 February 1949; *HANSARD*, vol. 461, cols. 1146-1147 and 1347-1350.
73. Wilding and Laundy, *AN ENCYCLOPEDIA OF PARLIAMENT*, pp. 280, 284.
74. However, with regard to sittings which go late into the night there is a different policy followed in Britain and in Canada. In Britain, the *HANSARD* reporters do not have to continue to work. Instead, parliamentary reporters from the Press Gallery are called in to work and though they may be very good, they are not trained *HANSARD* reporters, and so presumably British *HANSARD* suffers as a result. In Canada no such risk is taken. *HANSARD* reporters may be called upon to attend sittings no matter how protracted these may be.
75. Wilding and Laundy, *AN ENCYCLOPEDIA OF PARLIAMENT*, pp. 281-283.
76. Young, *HANSARD*, from a broadcast on radio stations in November 1944. Also, Burrell, *BETWIXT HEAVEN AND CHARING CROSS*, p. 266, writes about the Select Committee which studied the idea of having an official report prepared under the auspices of the House, that "The witness who made the strongest impression on that committee was the present Lord Lee of Fareham, who was, from 1893 to 1898, Professor of Strategy and Tactics in the Royal Military College of Kingston. With a knowledge of many countries and their methods of reporting parliamentary debates, he said without hesitation, 'I believe the Canadian system to be the best in the world.'"



## CHAPTER III :

# CANADIAN PARLIAMENTARY REPORTING

### LOWER CANADA

Parliamentary reporting in the Canadas began simultaneously with the meeting of the very first Parliaments in 1792. In both provinces it was undertaken by newspapers, and only Upper Canada ever attempted an official record of its Assembly's debates. From 1792 until the Union, six Lower Canadian newspapers, two bilingual, two English and two French, carried the bulk of the parliamentary reports. These were the QUEBEC GAZETTE,<sup>1</sup> the MONTREAL GAZETTE,<sup>2</sup> the QUEBEC MERCURY,<sup>3</sup> LE CANADIEN<sup>4</sup> and the MONTREAL HERALD.<sup>5</sup> In 1826 they were joined by LA MINERVE<sup>6</sup> of Montreal. Despite frequent setbacks, these papers endured while others flourished then soon floundered around them. There were the most important of the Seat of Government papers, the others were Montreal's most significant English and French language publications. However, these papers seldom provided five, later six, independent parliamentary reports. They were more often than not obliged to copy from each other.

All the newspapers used basically similar systems, so it is possible to give a general characterization to the parliamentary reporting of this pre-Union period.<sup>7</sup> As a rule routine business was summarized, and divisions were either omitted or reported merely as totals. Individual voting records were not usually given. Debates were reported when they were considered important and interesting. They were given in the third person, in summary. There was no such thing as verbatim reporting. Indeed, until about 1830 the participants in a debate were not always individually identified; the general tenor of all the speeches was given instead. The problems involved in parliamentary reporting during this early period were almost impossible to overcome: lack of money to hire reporters; lack of qualified reporters; lack of experience with Parliaments in general and in particular with methods for reporting their proceedings; the two languages in the Assembly; and poor communications. And :

C'est la même personne qui est quelquefois obligée de demeurer attachée à un bureau pendant six à sept heures de tems, à prendre note de ce que disent les orateurs dans cet espace de tems; souvent au milieu du bruit ou des chuchotements de ceux qui les entourent et fatiguée par la chaleur qui règne dans l'appartement. En Angleterre et en France, ce travail est divisé entre plusieurs, et devient par là même plus facile. Les discours d'ailleurs étant prononcés tous dans une même langue, il est possible d'apprendre exactement et de mettre en pratique l'art de la sténographie au lieu qu'ici, comme quelques membres parlent



l'anglais et d'autre le français, il faudrait connaître deux systèmes de l'art d'écrire par abréviation pour rapporter exactement les observations qui sont faites.<sup>8</sup>

In addition to all these other problems, the lack of competition in the newspaper field provided publishers with little incentive to try to improve parliamentary reporting; moreover, the lack of parliamentary tradition meant that there were no widely-accepted standards by which to judge performance. Despite these major barriers against excellence, parliamentary reporting in Lower Canada continued to improve. Gradually it became less incomplete and sketchy. One expedient devised to improve it was the joint hiring of an extra reporter for two or more papers. This reporter was in addition to the regular reporting arrangements for covering parliamentary proceedings. LE CANADIEN and the French edition of the GAZETTE DE QUEBEC,<sup>9</sup> and the English edition of the QUEBEC GAZETTE, the QUEBEC MERCURY and the MONTREAL GAZETTE hired two reporters between them.<sup>10</sup> The MINERVE, more independent-minded, hired its own reporter.<sup>11</sup> However, these arrangements did little more than to cut costs for the individual papers; they did little to improve the quality of the parliamentary reports. This was because none of the reporters engaged were skilful enough at their profession. They were either not bilingual enough; too old to hear properly; too young to understand properly; not very proficient in even the inadequate, unscientific shorthand systems available at the time; or else they were too politically involved to report impartially.<sup>12</sup>

The only other major attempt made to improve parliamentary reporting involved trying to convince the House to subsidize parliamentary reporting. However, despite the close association between individual newspapers and many men in the Lower Canadian Assembly, the members rejected this plan.<sup>13</sup> Years of intensively studying Blackstone and British constitutional practice had so steeped them in British tradition that they would not risk compromising their House by sanctioning possibly libellous statements.<sup>14</sup> Of course, even had the newspapers been relieved of the financial burdens involved in providing parliamentary reports, there is no guarantee that the quality of the reports would have been much improved. The calibre of the reporters available was poor, and even when they continually submitted error-filled reports, they were not fired because it was virtually impossible to replace them.

In summary, Lower Canadian parliamentary reporting may be characterized as barely adequate and exceptionally error-prone, especially when one reporter tried to report in both languages, though errors were often corrected in later issues. On the other hand, in comparison with the system current in Upper Canada, Lower Canadian parliamentary reporting was honestly-motivated and always strove to produce completely objective as opposed to partisan or even interpretative reports.

#### UPPER CANADA

The history of parliamentary reporting in Upper Canada really begins in 1820, when two Irish stenographers began to attend the House and to report its debates. For a long while only the UPPER CANADA GAZETTE, succeeded by the YORK WEEKLY POST, and the OBSERVER, Seat of Government papers, supplied parliamentary reports. Newspapers in other areas simply could not afford to pay reporters in York. They had to fall back, no matter how reluctantly, on copying the two York papers.<sup>15</sup> However, Upper Canadians craved parliamentary news, indeed demanded it,<sup>16</sup> and as a result the Assembly agreed to pay reporters to report its proceedings. However, this arrangement, begun in 1821, was discontinued after two

years because it produced politically-biased and inadequate reports. Then in 1825 the House printing contract was awarded with the expectation that it would provide the contractor with profit enough to enable him to pay for having the debates reported. This arrangement did not work out in practice, largely because this essentially financial arrangement did nothing to correct the problems of reportorial personnel.<sup>17</sup> In 1829, for example, the three men contracting for the Assembly's printing and the King's Printer reported the debates. Of these, one was also an M.P. and allowed this to bias his accounts. Another reporter gave excellent accounts of speakers he supported politically, but never of speakers he disliked. A third reporter was in prison, serving out a term for libel against the Attorney-General. The fourth was mediocre at his job.<sup>18</sup> A final official arrangement for the 1831-32 session failed as well,<sup>19</sup> and so until the Union, parliamentary reporting was left exclusively in the hands of the newspapers. Fortunately, these increased in number, and slowly improved the quality of their reports.

In Upper Canada, accounts of debates were not only third person summaries of speeches, but often tended to be slanted or garbled reports emphasizing a special political interest as well. Yet all official attempts to provide accurate reports failed, because none of the schemes tried or suggested dealt with the fundamental problems: multitudinous and rival newspaper establishments; little capital to finance them; and politically-committed reporters. Indeed, the entire history of Upper Canadian parliamentary reporting reflects the colony's raging political battles. However, the most fundamental barrier to impartiality was the growth of a tradition which required the establishment of dozens of newspapers, each representing the views of small local factions who had not sufficient capital to sustain these papers.<sup>20</sup> Had there been more money available and fewer papers to finance, their positions might have been far less precarious. In addition, it might have been possible to solve the other perennial problem, the dearth of reporters. Competent shorthand writers and reporters did exist in Upper Canada, but they were so rare that each believed himself to be an irreplaceable commodity. These reporters were also ambitious and intelligent men seeking to establish themselves in the New World. Therefore they used their reporting skills to advance themselves not only as reporters, but as proprietors and editors of newspapers and as printers. In Upper Canada, the reporting, printing and newspaper businesses were inextricably entwined, and all were politically-oriented. The political commitments of specific reporters took their toll of objective parliamentary reporting.

#### UNITED CANADA

The Rebellions of 1837 and 1838 brought the separate histories and régimes of the Canadas to a close, and the Union Act of 1840 imposed legislative union upon them. The first Parliament of the new régime met at Kingston, Upper Canada, in June 1841. Many members of the new Assembly, recalling the experiences of both Upper and Lower Canada in the area of parliamentary reporting, hoped to establish a satisfactory system at the very beginning of this new régime. The first such attempt was made by Upper Canadian newspaper editor Francis Hincks.

*Mr. Hincks* gave notice that tomorrow he would move for a Committee of the Whole, to take into consideration the propriety of granting compensation to three reporters who would undertake to report in a true, faithful, and correct manner the proceedings of the House.<sup>21</sup>



Then Hincks abruptly abandoned his proposal, apparently to support another simpler, more popular one. This scheme was limited to subscribing for "five hundred copies of the MIRROR OF PARLIAMENT for one month, for the use of the members of this House." <sup>22</sup>

The Kingston MIRROR OF PARLIAMENT was a politically-uncommitted paper which from the inception of the Union Parliament had been devoted exclusively to reporting debates. Its owner Henry Fowler apparently handled most of the reportorial duties in the Assembly. <sup>23</sup> The motion to subscribe to the MIRROR engendered a debate in which many members questioned both the quality of any newspaper reports and the constitutional propriety of bestowing upon any newspaper the kind of recognition which could easily be construed as official approval of its reports. A majority of members feared exposure to the possibility of law suits arising from allegedly libellous remarks made in the House and reported by the quasi-official government organ. Other members objected that to single out the MIRROR for that kind of patronage was to deprive other papers of it. <sup>24</sup> A suggestion that each member personally subscribe to the MIRROR was ignored. Eventually a substitute motion was carried, appointing a Select Committee to investigate the subject of parliamentary subscriptions to provincial newspapers. <sup>25</sup>

The Committee-men heard testimony from several Kingston newspaper owners and they studied other information. <sup>26</sup> They submitted their report on the 30th of June. This report recommended that the House subscribe for five hundred copies of the MIRROR, and that French language newspapers should be invited to submit estimates for publishing translations of the MIRROR's debates. This latter proposal was designed to subsidize a French as well as an English newspaper. <sup>27</sup> Many members challenged the Committee's findings; as a result consideration of the report was ordered deferred until the next day. The issue was considered serious and caught the interest and attention of the House. In a related debate on the same day one member warned that :

The hon. gentlemen must recollect the very great difference there is between the circumstances of England and of this country. Something more than the ordinary newspaper patronage was necessary here to induce reporters to give their attention to reporting the debates of the House of Assembly. <sup>28</sup>

Reluctant members still remained unconvinced, because they saw no real guarantee that even the MIRROR contained reliable reports. Indeed, one member had already begun what was ultimately an ever-increasing series of complaints. He claimed that "The reports contained in the Mirror were partial reports (hear, hear), and words were put in the mouths of hon. members which they never uttered (hear, hear)." <sup>29</sup> Another member "did not altogether believe in the correctness of the report contained in the "Mirror," he would mention an instance when exactly the reverse of what he (Mr. Johnson) had said was stated...." <sup>30</sup>

The introduction of this new aspect confused the issue when finally the House divided on the motion to encourage the MIRROR by subscribing to it. Members were hard put to decide whether a yea vote would indicate approval of the MIRROR's reports or whether it would simply mean support for the general principle that Parliament should provide the Canadian people with an authorized record of legislative proceedings, "merely facilitating the publication of the debates of that house, in order that the constituents of hon. members might the better understand what was said there." <sup>31</sup> Other members distorted the issue by simplistically defining it as merely a question of patronage, whether or not to pay reporters. In the end,

the House reluctantly agreed to instruct its Clerk to subscribe for five hundred copies of the MIRROR.<sup>32</sup>

This commitment came to please fewer and fewer members as the MIRROR's reports grew increasingly unsatisfactory. As early as the 20th of July the member for Carleton moved "That the Clerk of this House be instructed to inform the Proprietor of the CANADIAN Mirror of Parliament, that his paper is no longer required for the use of members of this House."<sup>33</sup> This motion was negatived on division, but only six days later was carried without opposition.<sup>34</sup> One of the MIRROR's former supporters now described it as "little better than a humbug,"<sup>35</sup> and "many who had, on a former vote, supported the work, said it had fallen off, and had not met their views either in its usefulness, correctness, or regularity."<sup>36</sup> The most telling criticism came from Francis Hincks, co-sponsor of the original motion to subscribe to the paper.

The MIRROR has been a complete failure. The debates have not been faithfully reported, nor has there been any thing like a correct account of the proceedings of the House. The sheet was reduced to less than half its original size, and not published regularly, — in short to have continued any thing like patronage to the MIRROR would have been a job. The resolution ... was supported by nearly all those who had originally been in favour of getting the debates published.<sup>37</sup>

The Assembly's displeasure at the MIRROR OF PARLIAMENT extended to other papers. On the 23rd of July a member charged that the MONTREAL HERALD, in an article concerning

The simple question put by him a few days back to His Excellency's advisers as to whether any relief was intended to be offered to any of the misguided men who had left this country had been (as he could not but imagine wilfully) misconstrued by the Editor of the *Montreal Herald* into the actual introduction of a bill for the indiscriminate pardon of all ; a measure which every lawyer must well know would be unconstitutional and a direct interference with the prerogative of the Crown, and therefore illegal. (Hear, hear.)<sup>38</sup>

From the very beginning the Assembly's experience with parliamentary reports in newspapers was very disappointing. United Canada's first semi-authorized HANSARD endured only one short month. It never was officially translated, and it was considered a practical failure, a waste of money and a bad precedent.

Despite this initial lack of success, the Canadian Parliament was not permitted to shelve the issue of official parliamentary reporting. Almost every year the parliamentary reporters made new attempts to provide a better system. In 1842 "Hamilton Hunter, and others, Reporters in attendance upon the House," petitioned "for better accommodation to enable them to take the debates."<sup>39</sup> Specifically, they wanted some "elbow-room."<sup>40</sup> The House avoided acting on this petition, and on many others requesting some sort of assistance. Though such small material improvements would undoubtedly have assisted the reporters, the members expressed interest in more fundamental changes, and therefore ignored these lesser and temporary measures. However, by 1843 some members recognized the necessity of somehow providing reports better than those available in the Press. At the same time they did not support the idea of creating or subsidizing an official HANSARD. They confined the issue to that of hiring special reporters appointed by the House, or paying parliamentary reporters on the staffs of various newspapers, to report more accurately



and more fully than their employers required. The motion raising these problems requested

That a Special Committee of seven Members be appointed to enquire into the expediency of adopting some method by which faithful and correct Reports of the debates and proceedings of this House may be given to the country, to report thereon with all convenient speed, with power to send for persons, papers, and records.<sup>41</sup>

This motion was lost by five votes, but an amendment which expressed the contrary point of view, was also lost, by a single vote. This amendment stated that "it is not expedient or proper that this House adopt any measure, towards publishing the debates of the Members thereof."<sup>42</sup> The House was almost evenly divided on the question of whether it had the responsibility to provide reports of its debates, or whether it had even the right to do so. Before being defeated, the original motion generated a debate in which all the important aspects of the issue were elaborated.

To begin with, there was no general agreement about the need for parliamentary reports, or about the adequacy of the reports already supplied by the provincial Press. Some members considered them perfectly adequate already.<sup>43</sup> "Although all the long speeches were not printed, yet such a synopsis was given, as put the country perfectly in possession of the business that was done, and with the correct tone of the opinions of the house on important matters,"<sup>44</sup> one member testified. Others disagreed with this appraisal of the parliamentary reports, and eagerly cited specific cases when their remarks had been misrepresented. Col. Prince, for example, complained that "When speaking upon Mr. Hamilton's motion respecting the fisheries, he was made to say Mr. Prince 'supported the preservation of salmon during the period of incubation.'"<sup>45</sup> The members were also unable to agree about whether or not their constituents wanted fuller reports; whether they would read reports lengthier than the usual synopses; or whether they should be satisfied with the official JOURNALS. Several members also felt it wrong to encourage the House's already superabundant speech-making. "There was too much speechifying already, without making any comfortable arrangements for extending it."<sup>46</sup> Others disagreed and even attributed a certain urgency to the matter because they expected the proceedings of the 1843 Parliament to be of exceptional interest to the public. In short, the representatives reached no consensus either about the value of parliamentary reporting in general terms or about improving the existing system.

In the debate the central issue was the payment of reporters. Some members favoured the idea although there was only Canadian and no British precedent for it. They argued that England's different circumstances had allowed a different tradition to prevail. In London there existed several daily papers, established and affluent, whose combined reports gave extremely good coverage to parliamentary proceedings. Among Canadian newspapers, on the other hand, even those located at the Seat of Government could not afford enough competent reporters to provide adequate coverage. Therefore Canada could not follow the British tradition and leave parliamentary reporting to the newspapers. On the other side, those members opposed to paying reporters argued that the Upper Canadian experiments, and the Union government's experience with the MIRROR OF PARLIAMENT in 1841, were lessons which gave strict warning against paying reporters either directly or indirectly. Singling out a few reporters or papers automatically discriminated against all the others, especially those out of town papers which sent a parliamentary correspondent to Kingston at great expense or else paid a local reporter for condensed reports of parliamentary proceedings.

The most profound problem, contingent on the issue of paying reporters, concerned the constitutional implications of paying reporters; fortunately for our study of Canadian parliamentary attitudes this issue was also discussed. Henry Sherwood, the Conservative Upper Canadian who had made the original motion, defended it, rather surprisingly, on the grounds that Canada should disregard the fact that paying reporters was unconstitutional in England because "when the different circumstances of the two countries were taken into consideration, he thought they might be warranted in deviating from the English practice." His constituents demanded better coverage, he informed the House, and their demands took precedence over the constitutionality question.

One of the reasons given in England against the House employing reporters is this, if any statements were given which had not been made, and for which the reporters might be called to account, it would be unreasonable and unfair to bring them to the bar of the House and punish them for what the House itself had employed them to do. For his part, however, he could not understand that because you employ a man he may with impunity misrepresent what is said. If reporters, employed by the House, were to misrepresent, they would be equally and justly liable to be called to account as those who might not be so employed.<sup>47</sup>

Of course this simplistic view of the concept and meaning of parliamentary privilege was challenged.

*Mr. Cartwright* opposed the motion upon the principle that according to the existing law of England, statements might be made in the House that amount to libel, if published as given, and that it might subject the parties to prosecution; the House would in that case be called upon to protect the persons who might suffer.<sup>48</sup>

But Henry Sherwood was apparently unfamiliar with the relevant current events in England, for he offered it as his opinion that "if the report was faithfully and correctly taken, and a true report of what was said, the parties publishing it could not be prosecuted for libel. The law of England and of this country," he added, "permits a true and faithful report of the proceedings of Parliament being given; and if any action were taken upon it, no damages would be granted." This too was corrected by another member, Mr. Boswell, who explained that "those who published true reports of libellous statements that might be made in the House of Commons, were liable to prosecution..."<sup>49</sup>

By the time the division was taken, all the relevant issues had been dealt with, though no conclusions had been reached. Even the Press was not unanimous in supporting the motion; the MONTREAL GAZETTE, for example, commented that

The fact is, the scheme was got up for the express benefit of a few individuals connected with the Press, to pay them out of the public purse, and to gratify the loquacity of certain members of the House who have the knack of stringing words together on any subject, perfectly regardless, while under the influence of their own music, either of the value of the public time, or the infliction to which they subject those who are doomed to listen to them.<sup>50</sup>

Ultimately, both motion and opposing amendment were narrowly lost, and the issue was merely postponed.



The postponement was not lengthy. In the next session the issue arose again in the form of a petition from parliamentary reporter E.H. Parsons and some of his colleagues, requesting remuneration over and above their newspaper salaries for their services in reporting the debates during the 1844-1845 session. The House negatived a motion to refer this petition to the Standing Committee on Contingencies.<sup>51</sup> The House apparently wished to avoid a repetition of the previous year's inconclusive debate. Even the newspapers paid almost no attention to the petition and its summary dismissal by the House.<sup>52</sup> In fact, there is no record of any debate on the motion.

Certain reporters continued to agitate the question nonetheless. They were encouraged by members who were directly involved in the newspaper business and others who were simply interested in seeing the proceedings of the House better publicized. In the session of 1849 Ludger Duvernay of LA MINERVE and others of his colleagues petitioned the Assembly for assistance in publishing the parliamentary proceedings.<sup>53</sup> A month later, David Wylie and other Montreal reporters made the more specific request that the House pay them for reporting its debates.<sup>54</sup> This latter petition was not shelved. It was referred to the Standing Committee on Contingencies which in its Fifth Report declared that

They have ... considered the Petition of Messrs. *Wylie* and others, Reporters of the Debates in Your Honorable House, praying for some remuneration in addition to that allowed them by their employers, the Editors of the papers for which they report, in consideration of the value of their labour to the public, and which Your Committee fully acknowledge. But Your Committee regret that there are objections, as they believe of an insuperable nature, to the appropriation of any portion of the monies advanced to defray the contingent expenses of Your Honorable House to such a purpose. There is no precedent to be found for it, in so far as Your Committee are advised, in the Journals of the House of Commons, and the introduction of it here would prove, they apprehend, exceedingly inconvenient.<sup>55</sup>

Unfortunately the Committee kept no records from which we can learn more than this about its reasons for refusing the request.

In 1849 another abortive attempt was made to supplement the existing system of parliamentary reporting. The PILOT advertised for public subscriptions to a complete report of the debates in both the Assembly and the Legislative Council on the Rebellion Losses Bill. "The debates will be carefully compiled from the reports published in the PILOT, HERALD, GAZETTE, and COURIER of this city, and will be strictly impartial."<sup>56</sup> However, the project was contingent upon collecting sufficient money to cover the expenses involved. Apparently the required amount of money was not committed because no further mention of the collated debates was made.

The following year another group of parliamentary reporters, M. Moore and others, sponsored the by then almost routine petition for remuneration. Their request was rejected by the House Committee on Contingencies on the grounds that the Committee was

not aware of any precedent for it in the Journals of the House of Commons.... The votes and proceedings printed daily at the public expense, by order of Your Honorable House, afford the country, in an abridged and correct form, a full view of the various matters before it and the manner in which they are disposed



of, beyond the expense for the publication whereof Your Committee deem it unnecessary to go.<sup>57</sup>

This report expresses a markedly changed attitude from the sympathetic, appreciative and almost receptive-enough Committee Report of 1849 which had objected to paying reporters only from fear that constitutional propriety forbade advancing money for that purpose from contingent funds. The 1850 Report, on the other hand, not only categorically stated that the JOURNALS provided the public with enough information about their representatives' activities but in addition expressed not even a modicum of appreciation for the reporters' work. This strikingly different attitude is explained by an "incident" which occurred after the reporter's petition had been received, but before it had been considered. This "incident" undoubtedly influenced the Committee members' opinion of reporters, their functions, and above all, their rights.

One of the GLOBE's parliamentary reporters, George P. Ure, forgot the constitutional ambiance in which he worked. He forgot that he was present in the House by tolerance, not right, and when he was thwarted from carrying out his professional duties he made his position plain. One day Ure and his colleagues in the Reporters' Box were attempting to take notes of the speeches being made in the House, though as usual many of the remarks were inaudible to them over the talking and laughter. Ure noticed in particular that the member for Gaspé, crotchety old Robert Christie, was out of his place. He was loudly talking and joking with two ladies in the Public Galleries and completely drowning out the debates. Ure was exasperated. He leaned over from the Reporters' Box and caught Christie's eye. "Will you be kind enough to allow me to hear the speaker?" he demanded. Christie was as astonished as he was annoyed, and he immediately ordered the Sergeant at Arms to take Ure into custody. However, when that officer failed to comply with his request Christie "continued to talk as if nothing had happened."<sup>58</sup> Then an hour later, accompanied by Col. Prince, he accosted Ure and demanded that he apologize. Ure refused. "You were," he informed the irate Christie, "talking and making a noise by setting two other persons near you at laughter, so that I could not do my duty; you were out of your place, which is at the other end of the room, while I was in mine; and you were where you had no business to be."<sup>59</sup> The next morning Ure learned that Christie intended to bring the matter before the House. Though he was unrepentant, Ure dreaded such an unpleasant confrontation and to avert it he had a carefully worded note of apology delivered to Christie.

Sir, — It is contrary to my inclination to insult or wound the feelings of any one, and if my asking you to allow me to perform my duty, was considered by you as an insult, I sincerely ask your pardon. I trust that you nor no hon. member will again have occasion to say that I have violated that principle of politeness and courtesy due to your rank as a gentleman and a senator.<sup>60</sup>

Not surprisingly, Christie rejected this uncompromising note. Crisis! Reporter Ure had innocently confronted the country with the whole complex issue of the relation of Press to Parliament. How should the people's representatives react? After all, Ure was M.P. George Brown's reporter. Eventually however, the members gave priority to tradition, the constitution, their own place in an historical continuum and their appreciation of their own Bagehotian dignity rather than to the practical aspects of the case.<sup>61</sup> These latter were in fact precisely as Ure had stated. Christie had been talking and laughing and so had prevented Ure from properly reporting the Assembly's debates. The fundamental implications of the situation were formally

recognized and lent a sense of urgency to the matter. Members were put under pressure to take an immediate and strong stand on the issue. It was dealt with in the House by no less important a personage than Attorney General Robert Baldwin, the very member whose speech Christie's antics had prevented Ure from reporting! Baldwin moved that Ure be summoned to the Bar of the House for a reprimand. When this motion was carried, every single one of Ure's colleagues filed out of the Reporters' Box and quit the House in protest.

The wording of the Speaker's reprimand to the quiet, inoffensive reporter publicly exposed all the issues so long evaded or shunned by Canadian parliamentarians. These were basically: the constitutional and practical status of reporters in the House; the traditional rights of members; and in fact the entire relation of Parliament to the Press. As it had been in England, the issue was quickly defined as a struggle between the people's chief spokesmen and agents, between their Parliament and their Press. Each side asserted that its rights constituted important priorities necessary to protect the people. The people themselves had no means of expression. The situation was roughly parallel to that in England in 1771 in the sense that the issues were clearly defined and understood by both parties to the dispute, and members of the two opposing groups were almost unanimously committed to the principles laid bare by the defining process. Paying reporters could no longer be the only aspect of this issue worth discussing in depth. The other issues associated with that question were: Canada's place in the British constitutional empire; the relation of the parliamentary representatives and the strangers *cum* reporters; the principle of fulfilling the well understood wishes of the people through both the responsibility and accountability of the government; traditional rights as opposed to present-day relevancy.

Parliament's position was elaborated in the text of the Speaker's reprimand to Ure.

You have been admitted into the House as one of the Reporters for the Public Press.... You happened to be, by the position you have thus assumed for yourself, *under the sufferance of this Honorable House, a self-constituted expounder of the proceedings of Parliament....* Of a breach of those privileges, you have been adjudged guilty in repeatedly addressing one of the members in insulting and unbecoming language, displaying an ignorance of the relative positions in which you stood. You had every opportunity to reflect on your offence after it was committed, which, however, you did not think proper to do, as appears from your conduct. *You are totally mistaken as to your position; you are no part of this House, and have no pretended position to maintain, or duty to perform, which can interfere with the privileges of Members, or give you any right over them.*<sup>62</sup>

This reprimand contained an unambiguous definition of the proper relations between members and the "self-constituted expounders of the proceedings of Parliament," and the House was prepared to stand by this position.

Meanwhile, the reporters and some newspaper proprietors met to decide their own position. They expressed unequivocal support for and solidarity with Ure: "The affair having occurred beyond the bar of the House, we conceive the Reporter was quite justified.... ((We)) consider his case as that of the Press generally."<sup>63</sup> They hammered out a document consisting of several Resolutions to which they all agreed. Their statement expounded principles so advanced that each strained at the evolutionary bounds of the constitutional rationale underlying Press-Parliament

relations in English and in Canadian theory. Yet the determination and certainty with which the reporters and their employers presented their Resolutions give clearest evidence of Canada's political and constitutional atmosphere. The people, at least as they were interpreted by their Press, were infinitely more aware of and concerned with the significance of Parliament vis à vis their personal rights than they were interested in its historical and traditional foundations. Instead, Canadians asserted their power as the collective electorate; their right to a free press; the accountability of their representatives to the Canadian electors. After all, these constitutional issues had been popularly agitated to the point of armed rebellion, and in simplified terms the Canadian people understood them thoroughly.

Another most important point concerns the intimate association between the Canadian national character and the newspaper establishment. "Canadians are all politicians and every ministerial paper must needs have an opponent," wrote one newspaper publisher to explain why hundreds of papers were published in such a small colony.<sup>64</sup>

The importance of the press in stamping the character and directing the current of public thought, and its vast political power is manifested in the position which it maintains, and is reflected in the minds of almost every intelligent person. It has been instrumental in abolishing corruptions and in awakening the masses from slumbering apathy, and much of the success which may be predicted for Canada may be laid to the account of its newspaper press, which all feel with Junius is the palladium of the social, religious, civil and political rights of an Englishman.<sup>65</sup>

In addition, Canadian newspaper editors and owners had always been willing to suffer for their convictions. It was neither unusual nor shameful for an editor to suffer imprisonment for his views, usually because he had attacked powerful men who in their turn had decreed that his articles were libellous and actionable. Therefore in 1850 the traditionally courageous, self-confident and prolific Fourth Estate took a strong and positive stand on the issue before them. They expressed a perfect awareness of the constitutional and historical implications of their position, and an equally open-eyed disregard for the tradition-oriented position.

*Resolved*, — That the existence of an obsolete privilege of Parliament to the effect that persons not members shall only be admitted to the House on sufferance, and may be expelled therefrom at the wish of any one member, is not doubted by this meeting: but they are perfectly satisfied that the revival of it is inconsistent with the advance of the age, and will not be sustained by the public opinion of this Province.

That notwithstanding the existence of the "privilege" in question, the Press has been for a long period recognised as a necessary agent for the attainment of good government in the representative system of every free country, by the providing of a special place for the accommodation of Reporters from the Public Journals in all the National Legislative Chambers; and that the communication of the proceedings of the legislative bodies to the public by means of the Press has become an essential element in the working of every free constitutional government, which for the safety and weal of the community, should be facilitated and encouraged.

That the Canadian Legislative Assembly has in this manner recognized the Reporters from the Public Press, by setting aside a portion of the House to their



use, and has thereby admitted that it is desirable and necessary that Reports should be taken — that gentlemen who come to the House with that view are entitled to all necessary facilities; and especially that such order and reasonable silence should be maintained in the vicinity of the Reporters' Gallery, outside the Bar of the House, as the nature of their duties requires.

That had the member who took offence, been called on to forbear disturbing the silence of the Reporter's (sic) Gallery while he was within the House, this meeting would not have attempted to justify the circumstance, however much they might have regretted that any hon. member would treat as an offence that which certainly was not so intended. But the affair having occurred beyond the bar of the House, we conceive the Reporter was quite justified in courteously requesting the hon. member to refrain from hindering him in the exercise of his recognized duty in the place he occupied.

That the censure of the House passed on the Reporter after he had apologized in private to the hon. member, and publicly at the bar for his unwitting infraction of the theoretical privilege of the House, will, in the opinion of this meeting, fall very lightly in public estimation; that the conduct of the gentleman in question cannot be truly designated as "insulting" or "unbecoming," but was, on the contrary, throughout his communication with the hon. member for Gaspe, correct in principle, and altogether unobjectionable; and that they consider his case as that of the Press generally.

That the decision of the House, that it is a breach of the privileges of that body deserving of marked censure for a Reporter courteously to request silence of a member outside the bar of the House, is such a gross act of disrespect to to (sic) the Press, and interferes so directly with the fulfilment of their duties to the public, that the members of this meeting feel it incumbent on them to protest against it by withdrawal from the House.<sup>66</sup>

This manifesto was one of Canada's strongest statements for responsible government from the public perspective, that is, responsible government as implying parliamentary accountability to the people as well as executive responsibility to the members. The right of members to "spy strangers" was dismissed as "an obsolete privilege" which was "inconsistent with the advance of the age", the modern era of the 19th Century. In addition, this privilege would "not be sustained by the public opinion of this Province". Popular opinion and the people's right to liberty of speech and press were the most important criteria these newspaper men applied to the case. They believed that their argument was reinforced by the fact that

The Canadian Legislative Assembly has ... recognized the Reporters from the Public Press, by setting aside a portion of the House to their use, and has thereby admitted that it is desirable and necessary that Reports should be taken....

The history embodied in constitutional provisions for parliamentary privilege was brushed aside to accommodate the exigencies of modern day needs and practice. The newspaper group's confidence and solidarity led to a final threat: strike action.

The decision of the House ... is such a gross act of disrespect to ... the Press, and interferes so directly with the fulfilment of their duties to the public, that the members of this meeting feel it incumbent on them to protest against it by withdrawal from the House.

And they immediately made good their threat, and boycotted the Assembly.

In effect, this boycott was an attack which, according to the newspapermen's own definition of their relation to Parliament and its proceedings, affected a constitutionally vital service. This did not mean that the reporters were idle : to the contrary. They attended the sittings of the Legislative Council and for the first time ever their newspapers gave full reports of the debates in the Council while they covered the Assembly's proceedings by printing extracts from the JOURNALS.<sup>67</sup> In the Assembly, business was rushed through all its stages. Members rising to speak to a motion took their seats again almost immediately when they realized there was no reporter present. One reporter gloated that a typical member "casts a look at the gallery, and recollecting that he is only addressing a dozen or two persons, one half of whom are probably asleep, and the other not listening, down he drops again, fairly dumbfounded (sic)."<sup>68</sup>

During their boycott the reporters displayed a fair degree of bitterness towards the members but this was not a new development ; they often felt resentful during the normal course of things. Their resentment stemmed from many factors : the demanding nature of their job and their need to make a livelihood from it ; their familiarity with the House and its extravagances on behalf of its own members and supporters ; an inability to appreciate the fine points and sacrosanct principles and traditional dignity which in theory the Canadian Assembly embodied. It was difficult for the hard-worked Press corps to reconcile dignity in the Bagehotian sense with the connotations of personal dignity, a characteristic from which our members had notorious and frequent lapses. Very recently two members had forgotten their political animosities and had joined forces in pitching wads of paper at a colleague ; the latter's feint to throw an inkwell in retaliation frightened one of the paper-throwers into crawling to safety under the House Clerk's table.<sup>69</sup> This episode was typical rather than exceptional.

They have been very uproarious it is true, and have sadly lowered their dignity by pitching papers at each other lately, they behaved so badly, indeed, the other night, that Henry John Boulton left the Chair, saying that he would not preside over such a pack of vagabonds.<sup>70</sup>

Reporters also knew only too well that members were often drunk, and that in states of truly advanced inebriation they subjected the Speaker and each other to offensive, unconstitutional and sometimes vulgar remarks and situations. For these reasons Canadian parliamentary reporters had in their turn developed the almost traditional contempt for the group of men they serviced. Indeed, even the moderate BRITISH COLONIST had described the Ure-Christie fracas in the following widely-quoted passage in which contempt is as evident as irony.

Every one will acknowledge that *brains* are not essential to a member of Parliament. Since, then, the *head* alone of the hon. member was in the Stranger's Gallery, and a much more important part remained *behind* — (I mean that part which enables him to *occupy a seat* in the House) — it is clear that all that is necessary to constitute a member was within the Bar. Mr. Ure, then, was decidedly wrong in asserting that the honourable member for Gaspé was not in his place.<sup>71</sup>

The reporters were seriously angered over the treatment meted out to Ure at the hands of those for whom they could feel little respect. They considered the attack on him to be grossly unfair because they assumed that Christie was probably drunk while Ure was "a quiet inoffensive person, being a complete stranger, and

... ((could)) have no personal or political motive for treating the member rudely." They objected strongly to the Assembly's abusive treatment of their amiable colleague.

He makes an apology for having so spoken, first to the member himself, and secondly to the House; yet for this slight act, in spite of the apologies, this tyrannical body calls him up, passes a vote of censure upon and orders him to be reprimanded by their Speaker. That Speaker treats him like a criminal condemned to the hulks for stealing, talks of his having disgraced his profession, hitherto irreproachable — does everything he can to press him down. The gentleman is a stranger to the country; the laws of hospitality forbade that he should have been so treated, he came seeking a home for himself and his family, he should not have been hindered in so doing by a ban being put upon him; he wished to establish a fair fame in his new home; any one reading the Speaker's reprimand without note or comment, would form an unfavourable opinion of his character; he would have thought that he had been convicted of a gross crime instead of a simple inadvertence, even in the opinion of his judges.<sup>72</sup>

The reporters were incensed too at what they conceived to be the Assembly's assumption of multiple and incompatible functions which violated the constitutional right of British subjects to be governed by judicial authorities separate from the legislative authorities. Specifically, the reporters felt that the House had unilaterally defined disrespect to one of its members as a crime; then having legislated a criminal nature to the deed, had arrogated to itself not only the right to decide who had committed this crime, but also the right to try the offender. "Now, all this, it is very evident, cannot be maintained in this country, — we won't stand it," one parliamentary correspondent vowed. "In the Colonies, they have assumed this power as belonging to Parliament at home, but it is very doubtful whether they have a right to it." And then

if the House were to attempt to exclude them ((reporters)), they might do it, as they have the power; but it would be so complete a subversion of the right which the people claim, to review the proceedings of their representatives, that they would be speedily turned out, and others substituted. The press, then, are there on the part of the public, and have a right to civil treatment and good accommodation, as well as the members themselves and if they are interrupted in their duties, they have a right to protest, and to have their grievances removed.<sup>73</sup>

To these reporters responsible government meant the accountability of the members to their constituents as much as it meant the establishment of links of reciprocal responsibility between legislators and the men delegated to execute their policies. This idea added a new dimension to the usual definitions of responsible government.

The Press was equally certain of its own role in the series of carefully established relationships which constituted the system of responsible government. The Press was more than a passive vehicle through which news of Parliament was communicated to Parliament's constituency. Its function was a vital one in ensuring the smooth and satisfactory flow of business. In a petition to the House, rejected as a breach of parliamentary privilege, the reporters and newspaper proprietors presented their views of their role in relation to the people and in relation to the House.



The people of this Province have a right to be present at such proceedings of your honorable House as have been heretofore, and are now usually considered to be public.

That inasmuch as the whole people of this Province cannot be personally present at such proceedings of your honorable House, it is the opinion of the undersigned that the reporters for the press, in addition to their right to be admitted as a portion of the public, ought also to be provided with suitable accommodation, so as to be enabled to make known the proceedings of your honorable House; and ought furthermore to be protected from such annoyance as may prevent or impede the publication of your proceedings.<sup>74</sup>

This point of view found support only among a tiny number of members. This was shown conclusively in the division on a motion by one of the Upper Canadian Grits. His motion maintained that while there was justice on both sides of the dispute, the British-oriented constitutional side and the Canadian-oriented practical side, it was more important that concessions be made to the exigencies of practicality and modernity.

While it is necessary for the independent discharge of the high functions of the Legislature that the privileges of Parliament should remain undefined and subject to the sole adjudication of the Representatives of the People, in whose behalf these privileges have always been asserted and maintained, yet it is equally necessary, for giving that moral weight to their proceedings which an unobstructed publicity alone can ensure, that every reasonable facility should be afforded to the Public, and especially to those connected with the Press, to be present at their deliberations; and that to meet, as far as practicable, the well known wishes of the People in this respect, suitable and convenient accommodation should be provided, under the direction of Mr. Speaker, in such part of this House as shall be most free from interruption for those who may be employed by the Press to attend there, while the Doors are open, subject nevertheless to the orders of this House.<sup>75</sup>

When the House divided, it defeated the motion by a huge majority.<sup>76</sup>

In the end, despite the intransigent stances of both House and Press, the agitation subsided after the session had been rushed to an early prorogation.<sup>77</sup> In the next session, the reporters apparently made no attempt to continue their boycott and their reports were again the sole record of the Assembly's debates.

For several more years the issue lay dormant, until the 19th of October 1854 when Mr. Pouliot moved

for a Committee of five members to enquire and report by bill or otherwise, as to the best means for securing Reports of the Debates of this House. Their present reports were a mere travestie (sic) of the proceedings, and as they were sometimes used by members in the House, it was desirable that they should be full and accurate.<sup>78</sup>

The House agreed to this motion and a committee was appointed.<sup>79</sup> Its members were soon prepared to make their Report, and they submitted it to the House on the 7th of November.<sup>80</sup> The Report opened by justifying the encroachment upon the domain of private enterprise which any official arrangement for reporting the debates would entail, and it went on to explain the need for such an official record. For example, provincial newspapers could not expand their parliamentary reports or

present them verbatim without ruining their circulation and revenues. Therefore the government should provide a MIRROR OF PARLIAMENT at public expense for at least a few years. The Committee recommended the contract system rather than a permanent arrangement involving the employment of an official reporting staff. The entrepreneur winning the contract should be committed to employing not less than four English and three French reporters, all proficient in shorthand, at weekly salaries of not less than seven pounds ten shillings.

The Committee made specific recommendations about the technical details of the proposed parliamentary report as well as about its general format. The most important of these details concerned the question of the length at which reporting should be undertaken. The Committee came out against verbatim reports on the grounds that much of the legislative proceedings was of too little importance to be reported at length. Therefore, "plus les Rapports seront condensés, tout en rendant clairement l'argument de l'orateur et en conservant ses idées dans leur pureté, plus ils seront acceptables au public qui lit."<sup>81</sup> The English system was to be the model; the American was rejected. The English system consisted of reporting only the principal speakers fully, and condensing the speeches of most other speakers. However, the Canadian Committee did not care to classify members and so could not decide whose speeches were to be fully reported, whose condensed. Nor could they decide whether that decision should be left to the judgment of the individual reporter or to the ruling of a Special Committee. Therefore they recommended that for the present, the contractor would have to agree to having his methodology determined later via instructions from an official source. The other important details specified by the Committee concerned the language and revision of reports. The debates were to be reported in their language of origin. The Committee believed that this would produce a more correct version than translation of reports could do. The reports were not to be printed until two mornings after delivery; this was to permit speakers to scan them and to correct any errors. However, members were not to add anything new to their speeches.

Though this Committee Report was submitted to the House in November 1854, consideration of its recommendations was postponed until the 14th of May 1855.<sup>82</sup> Even after this delay the reception of the report was postponed for another six months. A great many members were still most uncertain about the propriety of establishing an official HANSARD though their doubts no longer centred around the issue of parliamentary privilege. Instead they advanced more practical objections and concerns. To begin, many members believed there was no need for a HANSARD. They were quite satisfied with the newspaper reports already available. George Brown, for instance, who as proprietor of the TORONTO GLOBE had a direct interest in retaining parliamentary reporting as an area exclusive to newspapers, vehemently defended newspaper reports. He insisted that verbatim speeches would neither satisfy nor benefit anyone. They would humiliate the speakers, for one thing. Brown recalled that

Col. Prince was perhaps one of the most correct speakers they ever had in that House, and in consequence of some complaints of that Hon. member about the reporters, one of them named Shepard had reported one of his speeches verbatim, and nothing could have shown up the Hon. gentleman in a more ridiculous light.<sup>83</sup>

Another member offered an unusual and interesting amendment on this point. He proposed that all speeches be reported verbatim, but that each speaker be permitted

to summarize and condense his own speech, provided that he leave the sense unaltered. The House, finding this idea unacceptable, negatived the amendment.<sup>84</sup>

George Brown's position was shared by the majority in the House. Brown believed that the public required even shorter rather than longer reports because with the advent of the telegraph the results of debates and divisions on motions were already known before the texts of speeches could be published. The third argument against a HANSARD was financial. Members doubted the propriety of spending so much money for a project of unproved value.

As was usually the case, there was a minority position on this issue as well. Some members did support the establishment of an official report of the debates. They complained that though the newspapers gave good accounts of those speakers they reported, they did not report everybody. As a result, members who had no paper interested in them personally were deprived of that means of communicating their opinions and legislative activities to their constituents.<sup>85</sup> These unreported members, however, were in a minority and their colleagues voted against the Pouliot Committee's proposals. The issue again lay dormant until 1857.

In 1857 the House resolved to investigate the American and the British systems of parliamentary reporting to determine which would be suitable for Canada.<sup>86</sup> However, no report was ever prepared, and so in 1858 another Committee was appointed to look into the matter.<sup>87</sup> Some of the newspapermen members defended the quality of the reports available in the newspapers; despite them the House passed the Resolution unanimously. John A. Macdonald expressed satisfaction that something might be done to establish an official report of debates because "This would save hon. members and the public at large the necessity of reading the COLONIST and LEADER as well as the GLOBE, in order to see fully both sides of the question under debate."<sup>88</sup>

The Committee members heard evidence from several reporters and printers and considered other information as well. They concluded that an official report of the debates was necessary, and that it should be modelled on the English HANSARD. The problem of the bilingualism prevalent in the Canadian Parliament was to be resolved by reporting each speech in the language of delivery. The Committee members reported that they had already called for bids, and of those submitted the lowest was from Thompson and Co. Their Report concluded by recommending that this tender be accepted.<sup>89</sup> When the Report was presented, the House fielded it by instructing the Committee to estimate not only the cost of printing the speeches in their order of delivery but also the cost of having them all translated.<sup>90</sup> A month later the Committee submitted the required information to the House.<sup>91</sup> After two days of debates, the House rejected the Report, and with it the idea of an official HANSARD, by a vote of 58 to 47.<sup>92</sup>

During the discussion several members had balked at the estimated cost of the proposed HANSARD. In fact, members gave their objections to the expense as their primary reason for opposing the project. One member remarked that "In the present financial position of the Province he thought they would not be justified in publishing their sayings and doings at such an enormous outlay for the benefit of posterity."<sup>93</sup> George Brown suggested a far cheaper way of providing "a trustworthy report of the debates for future reference" which relied upon rather than competed with newspaper reports. This report

could be obtained by the librarian preparing each morning several copies of a collated report from different newspapers, selecting the best report of each



speech. (Hear, hear.) A few volumes thus prepared for reference, and kept in the library, would secure a full report as complete as would be secured by this scheme — for it was clear that at the price named by the Committee, a fuller report could not be obtained than was now supplied by the newspapers.<sup>94</sup>

A majority of the French Canadian members, on the other hand, supported the project because they were on the whole underreported or unreported. One of them, George Etienne Cartier, reminded Brown that excellent though many of the Toronto papers' reports were conceded to be, "the hon. member, who was understood to be the proprietor of that newspaper, should remember that in Lower Canada the French reading community did not read the *GLOBE* and did not wish to read it." ("It is a great pity," Brown retorted. "They would be very much improved if they did. It is the very thing they want.")<sup>95</sup> In the vote rejecting an official *HANSARD*, a majority of the French Canadians voted with the minority.<sup>96</sup>

In 1861 and again in 1862 new attempts were made to improve the system of parliamentary reporting. In 1861 a Select Committee was appointed to determine whether Canada should try the old Upper Canadian system of employing reporters whose reports would be supplied to newspapers for publication. After one preliminary Report, this Committee was silent.<sup>97</sup> In 1862 a new attempt was made. This time the request came in the form of a motion to publish the debates in French. Mr. Loranger "moved that an appropriation of £300 be made towards the publication of the debates of the House in the French language, such sum to form part of the contingencies."<sup>98</sup> The debate on this motion centred round several issues: 1) the need to encourage reporters to cease neglecting French speeches; 2) the propriety of paying French but not English newspapers to undertake this job; 3) the possibility that a politically-based French newspaper would be selected to receive the subsidy for reporting the debates and would produce unacceptably slanted reports<sup>99</sup> 4) the propriety of government participation in this sphere traditionally reserved for private enterprise; 5) the right of the House to spend public money to publish their own debates in French or indeed in any language. A majority agreed that French-speaking members were "passed over almost unnoticed by the press, while hon. members who spoke English obtained full publicity.... French Canadian members were obliged to see their discourses published in such a mutilated form as to be scarcely recognizable." The usual arguments against reporting debates were advanced, though the immediate issue was confined to reporting only the French speeches. Several members supported the idea of an official *HANSARD*; even more opposed it as a disservice to themselves and to their constituents. Eventually Loranger's motion was defeated and the matter was dropped.<sup>100</sup>

In 1864 the issue of parliamentary reporting rose once again. This was partly the result of an incident between Press and House, and partly because the Confederation debates were in the offing. On the 31st of May reporters were excluded from the House, which "cleared" its Galleries. This happened after the reporters had protested their virtual exclusion from the parliamentary reading room by refusing to attend the House. Therefore, on the 31st of May and the 1st of June, the House debated in private, presumably about the "Press Question". Still, there was no decision taken to rescind the order regarding the reporters reading room privileges. At an evening meeting the reporters adopted several Resolutions which they forwarded to the Speaker. They inquired about the reading room order, and denied that they were attempting to blackmail the House. They explained that

while they do not consider themselves open to the imputation of having attempted to coerce the House into the restoration of a valued privilege thus hastily

withdrawn, they desire to protest against the deprivation to which they conceive they have been needlessly subjected.<sup>101</sup>

However, the House did not relent, and in a note to B. Chamberlin, editor and proprietor of the MONTREAL GAZETTE on the same day, informed the Press that it had no intention of retracting its decision.<sup>102</sup>

Upon receipt of this news, representatives of all the leading Canadian newspapers met to discuss what policy would be most appropriate for them to follow.<sup>103</sup> In the end they voted to return to their duties, but only because they felt committed to the public, "who look to the press accurately to report and faithfully to comment on the proceedings of the Legislature."<sup>104</sup> Just one week after this incident the House agreed to the appointment of a Select Committee on the subject of official parliamentary reporting.<sup>105</sup> When the Committee reported to the House, it recommended that tenders be solicited for undertaking reports of all speeches, in their language and order of delivery.<sup>106</sup> After a debate, the Committee's Report was lost by a vote of 42 to 26.<sup>107</sup> However, when the Confederation debates were on the horizon, provision was made to have them officially reported, though

that was altogether an exceptional thing; the importance of the subject was considered to justify the House in authorizing a special report of the debates that might affect opinion in the various provinces as regarded coming into Confederation or not; but it was a special report on the question of Confederation only.<sup>108</sup>

Nor was the experiment altogether a happy one, because the estimate for this project had been \$8,000.00 but the actual expense was \$14,600.00.<sup>109</sup>

#### DOMINION CANADA

Confederation was achieved at last, but the new Dominion Parliament faced the same problems regarding parliamentary reporting that had plagued the Union Government. In the session of 1867-68 a Select Committee recommended that reports be taken verbatim in the language of origin, and then translated. Members would be permitted to make changes in grammar only, never in substance. Britain's HANSARD was to serve as the model. The Committee estimated that daily reports would average fourteen 1,400 word columns in a session of sixty days. Reporters were to be hired to report the debates and to supervise the reports on the basis of this estimate, without supplementary payment.<sup>110</sup>

In the same session, one of the problems traditionally used against having official reports was resolved. An act "to define the privileges, immunities and powers of the Senate and House of Commons, and to give summary protection to persons employed in the publication of parliamentary papers" was passed.<sup>111</sup> This act was designed to define parliamentary privilege in the broadest sense only. It had always been believed that definition confined in proportion as it defined, and that therefore the best policy was to let the appropriate authorities in England interpret the scope of privilege.<sup>112</sup> This act was Canada's answer to the old privilege problem that reporting what passed within the sanctuary of the House entailed. Britain's answer had also been a statute, similar in nature, passed to avoid a repetition of the Stockdale *vs* Hansard affair. Still the House continued to hesitate about establishing an official record of its debates. In 1868 when the Select Committee's Report was being

debated, a division was called to test the Commons' opinion about the principle of official reports. The vote was 86 yeas, 73 nays.<sup>113</sup> In other words a small majority of the House supported the establishment of an official report of the parliamentary proceedings. In this and a subsequent debate on the same subject, the minority advanced constitutional arguments against the principle, but emphasized even more that the newspapers already published adequate abstracts of the speeches, that Canada could not afford to pay for an official report, and that publication would only encourage even more verbosity than the House already suffered. On the 27th of March 1868 the Committee Report was negatived, 94 to 48,<sup>114</sup> an apparent contradiction of the Commons' earlier support for the principle of parliamentary reports. In the same month the Senators also defeated a similar motion.

In 1870 another attempt was made to have the debates officially reported.<sup>115</sup> The sponsor of the motion complained that every time he had attempted to have the House consider the Report recommending an official report, he had been put off, only to be told later on, by opponents of his motion, that the end of a session was not the appropriate time to discuss methods for reporting Parliament's debates.<sup>116</sup> The truth of the accusation that this frustrating tactic had indeed been used was proved by an amendment, carried 97 to 35, to the effect "that it was inexpedient at that late period of the session to take action with regard to reporting the debates of the House."<sup>117</sup> The House supported this policy despite an earlier warning from another member that

It was utterly impossible for reporters, who had to send away a summary, to do more than they had done. He thought the reports published in the papers here would bear favourable comparison with any summary either in the Mother Country or elsewhere. If there were a parliamentary record, members would have an opportunity of correcting their speeches, — a thing it was utterly unreasonable to expect from newspapers which gave these debates to the public at great expense. The reporters were earnestly and sincerely desirous of reporting as correctly as possible; but mistakes would occur except (sic) every word that was uttered was taken down and afterwards carefully revised. He was firmly convinced the public interests would be served by having full reports....<sup>118</sup>

In the 1871 session the House negatived by a vote of 90 to 51 a motion to hire enough stenographers to report the debates in both languages.<sup>119</sup> In 1872 Sir John A. Macdonald himself, seconded by George Etienne Cartier, moved that the House buy six hundred copies of the parliamentary reports and speeches published under the title "Canadian Hansard" for the 1870 and 1871 sessions, for the use of members.<sup>120</sup> This publication, popularly known as the "Cotton Debates" because John Cotton of the OTTAWA TIMES had compiled it from newspaper reports of debates, was not satisfactory to members.<sup>121</sup> Therefore in 1874 the House named yet another Select Committee to recommend the best way to obtain a good correct record of debates.<sup>122</sup> The Committee members examined the systems in England, America, Australia and other countries. They concluded that the best kind of official report would not necessarily be verbatim. They favoured instead a report which captured the substance as opposed to the actual words of each speech. They added that no speaker should be omitted, and each speech should be reported in the language of origin. An experienced and impartial stenographer, to be known as the Reporter-in-Chief, would direct the reportorial staff of three English and one French stenographer. The contract was to be awarded to a firm prepared not only to undertake the project at a reasonable price, but also to guarantee the excellence of their work. A Committee of Direction composed of five members of the House would oversee



the production of this HANSARD, and would make rules and regulations for its publication.

Considérant l'importance d'un HANSARD pour le public, comme étant le seul moyen à sa disposition de connaître parfaitement ce que les représentants disent et font en parlement, aussi bien que son immense valeur pour notre histoire constitutionnelle, commerciale et politique, votre comité considère la dépense modérée, et recommande cordialement qu'il soit procédé à l'ouvrage tel que ci dessus proposé.<sup>123</sup>

The outcome of this Report was the inauguration in 1875 of a contract system of reporting. The contractor was bound by several rules designed to ensure that the printer would receive an accurate copy of the debates. The contractor was responsible for the correctness and impartiality of the reports, and under no circumstances was he to compose any of the speeches himself. Members were not permitted to change the meaning or length of their speeches as reported; they were limited to making grammatical corrections.<sup>124</sup> After the contract with the printing firm of MacLean and Roger had been finalized, the Committee supervising the project announced that all speeches in the English edition would be printed in the language of origin, but that in the French edition the French speeches would appear in French and the English speeches in French translation. Members would have to submit corrections of their speeches to a Reporter-in-Chief to guarantee that they make no substantive changes. If corrections were substantive, the Reporter-in-Chief would notify the Select Committee which was authorized to prevent the publication of improperly revised texts.<sup>125</sup>

In 1876 the system was further refined by empowering the Chief Reporter to choose four parliamentary reporters whose capacities he could guarantee and for whom he would be responsible. The Reporter-in-Chief would also attend the sittings of the House to supervise his reporters and to gain a personal familiarity with both members and topics so that he could revise and condense the speeches, and "en conserve le sens, le ton et l'esprit parfaitement." He was also responsible for such technicalities as proof reading and indexing the debates. His model and authority was at all times to be the British HANSARD.<sup>126</sup>

Even this new contracting system was not very successful in producing excellent reports. For example, Luther Holton, an experienced and respected member of over thirty years standing in the House spoke out against continuing this system of semi-official reports :

I believe that the majority of the House are opposed to the continuation of the 'Hansard.' If I were not of that opinion, certainly I would not assume the responsibility of taking the course I am now pursuing ((of voting against the continuation of the HANSARD.)) With reference to the manner with which the reporters have discharged their duties, I have no fault whatever to find. I think that these duties have been fairly and faithfully performed. I strove with others for many years to have this system tried. It has been tried, and to my judgment, it is a failure. We are better without than with it; and I think that this is the present sense of the House.<sup>127</sup>

The HANSARD produced by the contract system was no more a success than "Scrapbook Hansard" or any other newspaper reports. Its reports were also very condensed, usually in the third person, and frequently suffered because the pressure of work forced a reporter to omit some speakers. In addition, a reporter's choice

of whom to report and whom to ignore might well depend upon personal factors or upon his judgment of the superiority of one speaker as opposed to another on a given topic.<sup>128</sup> Worse still, reporters and members often collaborated and reporters accepted improved written versions of members' speeches.<sup>129</sup> In addition, despite provisions designed to prevent such abuses, members "corrected" their speeches "extensively".<sup>130</sup> The product of all these manipulations, characterized by one expert as "semi-authoritative," and "experimental," was at best extremely disappointing.<sup>131</sup>

In 1880, bowing to the proven inability of any other system to provide an adequate HANSARD, the House finally decided to employ its own staff. During the experiments with the contracting system too many members had continued to complain of being unreported, underreported or misreported. In addition, the compelling post-Confederation argument was advanced that :

speeches in Canada, as in the legislatures of most new countries, are necessarily longer, being often largely made up of facts and figures, containing information of value to the country, but difficult of access owing to the less perfect and mature statistical returns, and which it required the industry of the Members to produce in a readable shape.<sup>132</sup>

And after the Confederation of the far-flung provinces, many of the more remote district newspapers could never afford to maintain their own reporters at the distant Seat of Government, and they had to rely on other sources. An official HANSARD would provide these papers with much essential information and in so doing would serve both democracy and the Canadian public. As it was, soon after Confederation even the newspapers realized that their reporters could not satisfy the demands of sectional and district interests. As a result the leading Canadian papers, the *TORONTO GLOBE*, the *MONTREAL HERALD*, *TORONTO MAIL* and *MONTREAL GAZETTE*, joined forces and printed one parliamentary report produced by a common staff of reporters.<sup>133</sup> Individualism was becoming less and less possible, consolidation the only feasible alternative.

The ultimate consolidation was accomplished on the 4th of May 1880, HANSARD's official birthdate.<sup>134</sup> Less than thirty years later Great Britain followed suit. Basing her new system on the Canadian model, she set up an official HANSARD produced by a staff employed by and under the supervision of the House of Commons.<sup>135</sup> The two systems were thus at the same time mutually influencing and derivative, for Canada abstracted certain principles from her interpretation of the British system of parliamentary reporting and on the basis of these principles extended her own system beyond that of the British model. Britain then studied Canada's system and proceeded to model her own on the basis of the Canadian experience. In effect each country used the other's experience as an historical model and as institutions structured upon principles and guideposts and precedents upon which to base a new system.<sup>136</sup>

#### Footnotes — Chapter III.

1. The bilingual *QUEBEC GAZETTE* was established on 21 June 1764. During the period under consideration, after 1792, the *QUEBEC GAZETTE*, a weekly paper, was managed by Samuel Neilson ; from 1793 to 1796 by Dr. Sparks, the guardian of the paper's actual owner, John Neilson, until in 1796 Neilson himself assumed the direction of the paper. It was designed as "un véhicule complet des nouvelles, sans embrasser des disputes de partis." This was partly

because the paper required government contracts and assistance to survive. In 1822 John Neilson's political career convinced him to give up the job of editor to his son Samuel, until his defeat in the elections of 1834 when he resumed the editorship of the paper again. The QUEBEC GAZETTE was weekly from 21 June 1764 to 25 December 1817; biweekly from 19 January 1818 to 30 April 1832; triweekly from 2 March 1832 until 28 April 1848. It was an official paper from 21 June 1764 to 1817. It was bilingual from 21 June 1764 until 30 April 1832; from 2 May 1832 to 30 April 1842 it had two different editions, one French and one English. On 29 October 1842 it became an English language paper only. See Beaulieu and Hamelin, *LES JOURNAUX DU QUEBEC de 1764 à 1964*, pp. 211-212.

2. The bilingual MONTREAL GAZETTE, a weekly paper, was founded on 3 June 1778. In this period the MONTREAL GAZETTE was edited by Fleury Mesplet until his death on 24 January 1794. His wife continued to issue the paper until one rival for the editorship, Edward Edwards, won out over the other, Louis Roy, in 1795. For a year Roy issued a competing MONTREAL GAZETTE, but in 1796 Edwards triumphed. He edited the MONTREAL GAZETTE until 1816, when he was bankrupted and the ownership of the paper went to James Brown, editor of the CANADIAN GAZETTE. In 1822 Brown sold the paper to Thomas Andrew Turner who changed it from a bilingual paper to a biweekly English language paper. It became the official paper in 1826, the same year Mr. Armour bought it. Once it became English only, it became the organ of English Montreal mercantile interests. From 3 February 1831 to 2 February 1832 the paper was triweekly; biweekly again from 6 February to 31 May 1832; triweekly from 2 June 1832 until 15 May 1841. See Beaulieu and Hamelin, *LES JOURNAUX DU QUEBEC de 1764 à 1964*, pp. 94-96; W.H. Kesterton, *A HISTORY OF JOURNALISM IN CANADA*, p. 5.

3. The QUEBEC MERCURY, a weekly paper, was founded on 5 January 1805 by Thomas Cary. It was overtly used as the organ of the English Conservative Lower Canadians. See Beaulieu and Hamelin, *LES JOURNAUX DU QUEBEC de 1764 à 1964*, pp. 210-211; Kesterton, *A HISTORY OF JOURNALISM IN CANADA*, p. 5; Helen Taft Manning, *THE REVOLT OF FRENCH CANADA*, pp. 60-64.

4. LE CANADIEN was founded on 22 November 1806 by politicians Pierre Bédard and François Blanchet. Its principal contributors were the most important French Canadian deputies of the period. Often forced to suspend publication, the CANADIEN changed hands several times. From 1831 to 1842 Etienne Parent edited it, and owned it in partnership with J.B. Fréchette. A weekly until 8 May 1832, it became a biweekly until 2 May 1832, and a triweekly from 9 May 1832 until 6 May 1857.

5. The MONTREAL HERALD was a weekly paper founded on 19 October 1811. From 6 June 1820 it was issued twice a week. It was edited by Scotsman Mungo Kay, who tended to be a constitutional, or moderate, Tory. After his death in 1818 many editors directed the paper, the most famous of whom were Alexander Skelton and Adam Thom. See Beaulieu and Hamelin, *LES JOURNAUX DU QUEBEC de 1764 à 1964*, pp. 99-100.

6. LA MINERVE was founded on 9 November 1826 by Augustin-Norbert Morin, who along with other French Canadians such as Ludger Duvernay edited the paper. It was a biweekly paper devoted to French Canadian interests, politically-oriented, and very influential. See Beaulieu and Hamelin, *LES JOURNAUX DU QUEBEC de 1764 à 1964*, pp. 116-117.

7. All information about parliamentary reporting in pre-Union Lower Canada is drawn from reading microfilms of all six papers during the period.

8. LA MINERVE, 28 January 1833.

9. LE CANADIEN, 30 December 1833.

10. LA MINERVE, 28 November 1833.

11. IBID., which claimed that by 1833 it had already been hiring reporters for four years.

12. See LA MINERVE, 28 January 1833, 17 February 1834; LE CANADIEN, 30 December 1833, 21 February 1834.

13. LE CANADIEN, 7 January 1832.

14. Manning, *THE REVOLT OF FRENCH CANADA*, p. 73, citing Sir William Blackstone, *COMMENTARIES ON THE LAWS OF ENGLAND*, ed. R.M. Kern, London: 1862. vol. 1, p. 146.

15. McLean, "Early Parliamentary Reporting in Upper Canada," C.H.R., vol. XX, no. 4, 1939, p. 380. In Canada it was always for non-Seat of Government papers to provide for independent parliamentary reports.

16. IBID., p. 382, cites several sources which comment upon this public demand for parliamentary reports: James Macfarlane of the KINGSTON CHRONICLE in 1822, and W. L. Mackenzie who in 1828 said that if one of his colleagues "excluded the proceedings in Parliament from his paper, people would give it up."

17. IBID., pp. 383-384, 386.



18. *IBID.*, p. 387, quoting a letter from "Red-Hot Politician" in March issue of the *KINGSTON CHRONICLE*.

19. *IBID.*, p. 389, citing *CHRISTIAN GUARDIAN*, 7 December 1831. McLean cites several other examples of the notoriously inept reporter employed by *YORK COURIER* editor George Gurnet, one of the men involved in this arrangement.

20. This exceptionally large number of newspapers has often been commented on. See for example, Kesterton, *A HISTORY OF JOURNALISM IN CANADA*, pp. 10-11; Edith Firth (ed.), *EARLY TORONTO NEWSPAPERS 1793-1867*, p. 13, citing Anne Brownell Jameson, *WINTER STUDIES AND SUMMER RAMBLES IN CANADA*, London, 1838. "Apropos of newspapers — my table is covered with them. In the absence or scarcity of books, they are the principle medium of knowledge and communication in Upper Canada. There is no stamp act here — no duty on paper; and I have sometimes thought that the great number of local newspapers which do not circulate beyond their own little town or district must — from the vulgar, narrow tone of many of them — do mischief; but on the whole perhaps, they do more good."; Rollo Campbell, *TWO LECTURES ON CANADA*, p. 41.

21. *MONTREAL GAZETTE*, 5 July 1841. See also *BRITISH COLONIST*, 23 June 1841; *MONTREAL GAZETTE*, 21 June 1841; *LE CANADIEN*, 21 June 1841.

22. *JOURNALS*, 1841, p. 72. The mover was Col. John Prince.

23. Fowler's name occasionally appears as the reporter of debates paid for by other papers.

24. The debate on this motion was reported by: *BRITISH COLONIST*, 30 June 1841; *KINGSTON CHRONICLE*, 30 June 1841; *LE CANADIEN*, 5 July 1841; *WESTERN HERALD*, 16 July 1841, citing *NIAGARA CHRONICLE*.

25. *JOURNALS*, 1841, p. 72. The Committee members were: Simpson, Aylwin, Parent, Prince and Hincks.

26. *JOURNALS*, 1841, pp. 98-99. The Report noted that "the witnesses, almost unanimously, were of the opinion that encouragement in some way should be afforded by your Honourable House to assist in defraying the expenses of such reporting." p. 98.

27. This debate was reported in: *BRITISH COLONIST*, 7 July 1841; *WESTERN HERALD*, 21 July 1841; *KINGSTON CHRONICLE*, 3 July 1841; *LE CANADIEN*, 7 July 1841.

28. Durand, reported in *KINGSTON CHRONICLE*, 3 July 1841. The debate was on printing and publishing.

29. Hamilton, reported in *KINGSTON CHRONICLE*, 3 July 1841.

30. Johnston, reported in *KINGSTON CHRONICLE*, 10 July 1841.

31. MacNab, reported in *KINGSTON CHRONICLE*, 10 July 1841.

32. *JOURNALS*, 1841, pp. 134-135. The vote was 35 to 31, but even those members voting in the majority expressed their misgivings in the debate over whether or not to accept the Report. The debate was reported in: *BRITISH COLONIST*, 14 July 1841; *MONTREAL GAZETTE*, 9 July 1841; *KINGSTON CHRONICLE*, 10 July 1841; *WESTERN HERALD*, 21 July 1841; *EXAMINER*, 14 July, edited from *KINGSTON CHRONICLE*, 10 July 1841.

33. *JOURNALS*, 1841, p. 209.

34. *JOURNALS*, 1841, p. 235. Comments on this Resolution were made in: *BRITISH COLONIST*, 4 August 1841; *MONTREAL GAZETTE*, 29 July 1841; *EXAMINER*, 4 August 1841.

35. *BRITISH COLONIST*, 4 August 1841.

36. *MONTREAL GAZETTE*, 29 July 1841.

37. *EXAMINER*, 4 August 1841.

38. Col. Prince, reported in the *WESTERN HERALD*, 11 August 1841. The debate on this was reported in: *KINGSTON CHRONICLE*, 31 July 1841; *BRITISH COLONIST*, 28 July 1841; *WESTERN HERALD*, 11 August 1841; *LE CANADIEN*, 28 July 1841 and 2 August 1841.

39. *JOURNALS*, 1842, p. 118.

40. *MONTREAL GAZETTE*, 11 October 1842.

41. *JOURNALS*, 1843, p. 72. The debate on this motion was reported by: *MONTREAL GAZETTE*, 28 October 1843; *LA MINERVE*, 28 October 1843, copied by *JOURNAL DE QUEBEC*, 2 November 1843; *BRITISH COLONIST*, 31 October 1843; *KINGSTON CHRONICLE*, 28 October 1843.

42. *JOURNALS*, 1843, p. 72.

43. e.g. Thorburn, Morin.

44. *BRITISH COLONIST*, 31 October 1841.

45. *KINGSTON CHRONICLE*, 28 October 1843.

46. *MONTREAL GAZETTE*, 28 October 1843.

47. KINGSTON CHRONICLE, 28 October 1843.
48. IBID.
49. IBID.
50. MONTREAL GAZETTE, 28 October 1843.
51. JOURNALS, 1844-45, p. 403.
52. For example, three Montreal papers which reported the petition as part of the routine business made no comment at all about its rejection : MONTREAL GAZETTE, 27 March 1845 ; PILOT, 29 March 1845 ; MONTREAL TRANSCRIPT, 29 March 1845.
53. JOURNALS, 1849, p. 13. The petition was only a general request "demandant que la chambre adopte quelque mesure pour faciliter la publication de ses délibérations."
54. JOURNALS, 1849, p. 116. Referred to Standing Committee on Contingencies, p. 124.
55. JOURNALS, 1849, p. 269.
56. PILOT, 13 April 1849.
57. JOURNALS, 1850, p. 269. See p. 145 for presentation of the petition.
58. PILOT, 23 July 1850, copied from the GLOBE.
59. JOURNALS, 1850, p. 160. The PILOT, 23 July 1850, citing the GLOBE, reports Ure's words as : "I only asked you to allow me to perform my duty, and I do not conceive that to be an insult."
60. G.P. Ure to Robert Christie, Globe Office, 19 July 1850, cited in PILOT, 23 July 1850, copying GLOBE.
61. The term "Bagehotian dignity" is of course used throughout this Introduction in the sense understood by British constitutional historians who habitually describe the peculiar constitutional dignity conferred on all M.P.s simply by virtue of their membership in the House as "Bagehotian". Bagehot defined and described this concept so well that his name has since been associated with it. See for example Chapman, "The Significance of Parliamentary Procedure," PARLIAMENTARY AFFAIRS, vol. XVI, 1962-63, p. 180.
62. Cited by PILOT, 23 July 1850, copying GLOBE. Editor's emphasis.
63. Part of the Resolutions of the newspaper reporters and proprietors, 19 July 1850, cited in PILOT, 23 July 1850, copied from GLOBE.
64. Campbell, TWO LECTURES ON CANADA, p. 41.
65. Arthur Sylvester, SKETCHES OF TORONTO, Toronto : 1858, cited in Firth (ed.), EARLY TORONTO NEWSPAPERS 1793-1867, p. 27.
66. Resolutions of the newspaper reporters and proprietors, 19 July 1850, cited in PILOT, 23 July 1850, copying GLOBE. These Resolutions were signed by : S. Thompson, TORONTO PATRIOT ; George Brown, TORONTO GLOBE ; Hugh Scobie, BRITISH COLONIST ; James Lesslie, EXAMINER ; Charles Donlevy, MIRROR ; W. Kingston & Co., NORTH AMERICAN ; Charles Lindsay, EXAMINER ; Peter Brown, GLOBE ; Edward Goff Penny, MONTREAL HERALD ; Robert Smiley, HAMILTON SPECTATOR ; John Lowe, Reporter, MONTREAL GAZETTE ; Thomas B. DeWalden, Reporter, TORONTO BRITISH COLONIST ; John Popham, Reporter, TORONTO PATRIOT ; E. Ward, Reporter, TORONTO PATRIOT, J. Gordon Brown, Reporter, GLOBE ; M. Moore, Reporter, TORONTO GLOBE.
67. All the signatories agreed to this boycott of the Assembly and the proportionate increase in reportage of the Council.
68. PILOT, 27 July 1850.
69. J.M.S. Careless, BROWN OF THE GLOBE, Vol. I, p. 121.
70. PILOT, 10 August 1850.
71. IBID., 6 August 1850, citing BRITISH COLONIST.
72. IBID., 25 July 1850.
73. IBID.
74. IBID., 6 August 1850, citing the petition presented to the Assembly on 1 August 1850 by Mr. Bell of Lanark. This petition was signed by all the newspapermen who had signed the Resolutions of 19 July 1850, plus G. P. Ure.
75. JOURNALS, 1850, p. 212. This motion was proposed by Malcolm Cameron and seconded by Peter Perry.
76. The division was 53 to 7 against the motion. Those voting in the minority were : Upper Canadian Grits, Cameron, Perry, and Boulton of Norfolk ; Upper Canadian Conservative Boulton of Toronto ; Upper Canadian Reformers Ferguson and Smith of Durham ; Lower Canadian Liberal B. Holmes. The political classifications are taken from P.G. Cornell's POLITICAL ALIGNMENTS IN THE PROVINCE OF CANADA.
77. On 6 August 1850 the PILOT reported that the MONTREAL GAZETTE's reporter had been instructed by his employer to resume attending and reporting the Assembly on the 31st of July, and had been accompanied by Mr. Goff Penny of the MONTREAL HERALD. However, the same paper reported on 8 August 1850 that "The Montreal HERALD, we perceive,

has resolved to abide by the decision of the Press of Toronto, and to abstain from reporting the proceedings of the House."

78. PARLIAMENTARY DEBATES, 19 October 1854, p. 48.

79. JOURNALS, 1854-55, p. 203. The Committee consisted of seven members instead of five : Pouliot, Hincks, Stevenson, Morin, Brown, Papin and Langton.

80. The complete text of the report is found in the JOURNALS, 1854-55, p. 283.

81. JOURNALS, 1854-55, p. 283.

82. IBID., p. 1109.

83. PARLIAMENTARY DEBATES, 14 May 1855, p. 281.

84. Loranger moved this amendment, seconded by Desaulniers.

85. PARLIAMENTARY DEBATES, 14 May 1855, p. 281.

86. JOURNALS, 1857, p. 124. "To consider whether the system of authorized Reports of Parliamentary Debates, as adopted in the United States or in Great Britain, be best suited to the Parliament of Canada."

87. JOURNALS, 1858, p. 31. The Committee members were : J.S. MacDonald, Ferres, Talbot, Galt, Dorion, Turcotte, Hogan, Brown and Benjamin.

88. PARLIAMENTARY DEBATES, 5 March 1858, p. 13.

89. JOURNALS, 1858, pp. 153-154.

90. IBID., pp. 161-163.

91. IBID., pp. 262-263.

92. IBID., p. 288.

93. PARLIAMENTARY DEBATES, 20 April 1858, p. 59.

94. IBID., 19 March 1858, p. 42. This was in fact done : "Scrapbook Hansard".

95. IBID., p. 42.

96. JOURNALS, 1858, p. 288.

97. IBID., 1861, pp. 62, 113.

98. PARLIAMENTARY DEBATES, 25 April 1862, p. 38.

99. IBID. This is somewhat ironic in view of the fact that in 1873 it was discovered that several of the House's own employees were politically active and wrote slanted articles about Parliament for various newspapers. See PARLIAMENTARY DEBATES, 7 April 1873, p. 64.

100. IBID., 25 April 1862, p. 38.

101. IBID., 1 June 1864, p. 168.

102. G.H. Macaulay, Speaker's Secretary, to Brown Chamberlin, Speaker's Chamber, Legislative Assembly, 2 June 1864, cited in PARLIAMENTARY DEBATES, 2 June 1864, pp. 170-171.

103. Representatives of the following newspapers participated in the meeting : HAMILTON TIMES — Mr. Jones ; Kingston BRITISH AMERICAN and other dailies — Mr. Hubertus ; Montreal HERALD — Mr. Kirby ; Montreal L'ORDRE — Mr. ——— ; Montreal MINERVE — Mr. Gelina ; Montreal PAYS — Mr. Chs. Daoust ; COURRIER d'Ottawa — Mr. L.H. Frechette ; Perth HERALD — Mr. McLean ; Peterboro REVIEW — Mr. White ; Quebec CANADIEN — Mr. Fabre ; Quebec CHRONICLE — Mr. McDonnell, Mr. I. Watson ; Quebec DAILY NEWS — Mr. Lanigan, Mr. S.J. Watson ; Quebec LA TRIBUNE — Mr. Aubin ; Quebec MERCURY — Mr. Roger ; COURRIER de St. Hyacinthe — Mr. Berthelot ; Toronto GLOBE — Mr. Edwards ; Toronto LEADER — Mr. Gregg, Mr. Lindsey ; Woodstock TIMES — Mr. Gleneghan.

104. PARLIAMENTARY DEBATES, 2 June 1864.

105. IBID., 9 June 1864, pp. 185-186.

106. IBID., 13 June 1864, p. 191.

107. IBID., 27 June 1864, p. 219.

108. SELECT COMMITTEE ON PARLIAMENTARY REPORTING, 1878, Question 1957, p. 141 (149).

109. PARLIAMENTARY DEBATES, 27 March 1868, p. 144. This information was given during a debate in the Senate.

110. JOURNAUX DE LA CHAMBRE DES COMMUNES, 1867-68, Appendix (2) : Cinquième Rapport du Comité des Deux Chambres sur les Impressions du Parlement.

111. This passed the Senate 30 April 1868. See PARLIAMENTARY DEBATES, p. 203.

112. PARLIAMENTARY DEBATES, 29 April 1868, p. 200.

113. IBID., 10 December 1867, p. 83. The actual vote was 86 to 72, but to the nays should also be added the name of Mr. Drew, M.P. for North Wellington, who was absent at the division but wished to record his vote with the nays. i.e. 86-73.

114. PARLIAMENTARY DEBATES, 27 March 1868, pp. 144-145.

115. IBID., 3 March 1870, p. 31.

116. IBID., 18 March 1870, p. 64 ; 25 April 1870, p. 137.

117. IBID., 25 April 1870, p. 137.



118. IBID., 3 March 1870, p. 31.
119. JOURNAUX DE LA CHAMBRE DES COMMUNES, 1871, p. 207.
120. IBID., 1872, p. 327.
121. The Parliamentary Library also kept a compilation known as "Scrapbook Hansard", which is available on microfilm. It covers the years 1867-1870, 1872-1874.
122. JOURNAUX DE LA CHAMBRE DES COMMUNES, 1874, p. 120. The Committee consisted of : Young, Cauchon, Tupper, De Cosmos, Dymond, Bowell, Davies, Burpee (Sudbury) and Ross (Middlesex).
123. JOURNAUX DE LA CHAMBRE DES COMMUNES, 1874, p. 201.
124. IBID., 1875, pp. 90-91. The Committee Report is dated Thursday 18 February 1875.
125. JOURNAUX DE LA CHAMBRE DES COMMUNES, 1875, p. 342.
126. IBID., 1876, p. 261.
127. SELECT COMMITTEE ON PARLIAMENTARY REPORTING, 1878, Question 1957, p. 143 (151).
128. HISTORY AND HANSARD ON THE HILL.
129. SELECT COMMITTEE ON PARLIAMENTARY REPORTING, 1878, Question 2018, p. 149 (157).
130. IBID., Questions 2030, 2034, p. 150 (158).
131. IBID., Question 1957, p. 141 (149).
132. IBID.
133. IBID., Question 1969, p. 145-146 (153-154).
134. It was on this day that the House concurred in the Report recommending that the reporters be engaged and considered as officials of the House.
135. Earl Young, HANSARD.
136. It is interesting that eight years after Canada had judged the contract system a hopeless failure, which it replaced with our familiar system, Britain decided to try the contract system. Twenty years later Britain arrived at the same conclusions as Canada had so much earlier and used the Canadian model to design the official British HANSARD.

## CHAPTER IV :

# THE TECHNIQUES OF PARLIAMENTARY REPORTING

### BRITISH TECHNIQUES

In British-derived Parliaments, parliamentary reporting is an institution intimately associated with Parliament. It is also a highly skilled profession. Most parliamentary reporters consider their Gallery "an integral part" of the House they serve and are lodged in.<sup>1</sup> Many members agree, for they realize the value of parliamentary reports in informing their constituents about their own roles in the "talking place".<sup>2</sup> From any perspective, parliamentary reporting is a vital part of parliamentary procedure, and like Parliament itself, is the model for the corresponding Canadian institution. Consequently, a familiarity with the techniques, goals and personnel of British parliamentary reporting is essential for any study of HANSARD in either Britain, its colonies or its former colonies. It is certainly useful for understanding the techniques used by Canadian parliamentary reporters and for devising a way to reconstruct a HANSARD from their reports. However, in the same way that British parliamentary reporting is associated with Parliament and cannot be understood outside that context, so the Canadian transplant cannot be studied outside of its own context. This context includes its origin as a transplanted English institution, its relation to the Canadian Parliament, and its reaction to peculiarly Canadian influences and conditions.

First of all, Canadian parliamentary reporting was the colonial brand of a metropolitan profession. By the time of the Canadian Union, the English system was highly developed and enjoyed the benefits of money, experience and tradition. Of all the components essential to the manufacture of the reports, reporters possessed of certain skills and techniques were the most important. Fortunately, various Select Committees investigated parliamentary reporting and amassed a wealth of material about it, including lengthy interviews with LONDON TIMES' reporters.<sup>3</sup> Since HANSARD was virtually a transcript of their reports, they are the real if unacknowledged authors of HANSARD during Hansard's tenure.<sup>4</sup>

The ideal parliamentary reporter took either shorthand, or very fast longhand. He was an intelligent man who could exercise excellent judgment in editing his notes.<sup>5</sup> One professional described reporting as "an intellectual exercise which may be facilitated by writing in a particular way in shorthand."<sup>6</sup> In other words, reporting was quite distinct from mere shorthand writing. "Short hand writing ((is)) a mechanical art ((which)) may be learnt mechanically by any person who can read and write,"<sup>7</sup> whereas the skilful reporter "has to bring his mental faculties to bear upon the ends of his fingers, so to speak."<sup>8</sup> The ideal parliamentary reporter was supposed to be educated as well as intelligent, to have a command of a wide range of current

events as well as a sound enough classical education to grasp members' more erudite allusions.<sup>9</sup> He also had to be able to instantly identify each member by sight as they rose to speak, to identify their voices<sup>10</sup> and he had to cope with any speech peculiarities or defects.<sup>11</sup> The functional parliamentary reporter also had to be unfailingly punctual; "in his fraternity to be late for a turn of duty is the unpardonable sin...."<sup>12</sup> These were the characteristics of the perfect 19th Century parliamentary reporter. In reality, of course, the Reporters' Gallery was filled, lacking some of these characteristics in some degree, and who therefore ranged from highly skilled to merely competent to genuinely mediocre in proportion to their deviation from the ideal.<sup>13</sup>

From 1835 onwards parliamentary reporters had their own Gallery which gave them a good view of the House. However, they had poor audibility.<sup>14</sup> For one thing, members talked a great deal among themselves, drowning out speakers on the floor.<sup>15</sup> Secondly, the construction of the House of Commons was accoustically unsound. Even the most favourably located reporter could at no time hear all the speakers. The middle seats were the best for reporting most speakers. Ministerial speakers, and front bench opposition members, the most important men in the House, were difficult to hear from right, centre and left hand Gallery seats.<sup>16</sup> "With regards to the seats on the right hand, Ministers speak with their backs towards them; those at the extreme left hand have the backs of the front Opposition Bench speakers turned to them.... The seats in the middle of the gallery.... I do not consider ... the best for ministerial speakers," one expert witness testified.<sup>17</sup>

In the Gallery itself there was always a great deal of noise and confusion. "You hear more of what is going on around you than you hear frequently from the floor of the House," one reporter declared.<sup>18</sup> Reporters for papers which required only a few columns of parliamentary debates spent most of their time chatting with each other. Those reporters working for large and efficiently-organized operations like the LONDON TIMES worked in short shifts and the noise they made going in and out of the Gallery, their legitimate discussions with each other and with their supervisor about their work made the Gallery a very noisy place.<sup>19</sup> To this was added the persistent buzz of their extra-curricular chatting, for even TIMES' reporters were not compelled to listen attentively to all speeches on all topics. Though it gave priority to parliamentary reports, the TIMES was nonetheless a primarily commercial operation which avoided losing readers by subjecting them to the more boring debates.<sup>20</sup> In other words, the newspaper policy of not requiring verbatim reports gave most reporters a great deal of spare time to entertain each other, incidentally distracting their working colleagues.

Most parliamentary reporters did not work independently on the debates. Usually the men from each paper, excepting only the small papers or those from the provinces, were supervised by a Chief Reporter. He was a man experienced in both reporting and in parliamentary affairs. Supervisors were available to instruct their reporters about how to take each individual speech, but usually the reporters were also experienced and knew without being told what was required of them.<sup>21</sup> The usual policy was to automatically report the two front benches as well as any other speaker whose remarks seemed interesting.<sup>22</sup> Reporters seldom took verbatim reports excepting only such extraordinarily able and important speakers as Gladstone.<sup>23</sup> Otherwise they just noted down the speaker's main ideas. A sample plan for reporting a debate might be :

Asquith, 1st person, fully.

Churchill, 1st person, cut down.



Bonar Law, fully.

Cecil, 3rd person, good summary.

Remainder of debate must be kept to lines.<sup>24</sup>

The TIMES' reporters were acknowledged to be the best parliamentary reporters of all. They always worked on short shifts.<sup>25</sup> This made their job much more difficult, because they often lost the trend of a speech or even of an entire debate.<sup>26</sup> The shift system was used solely to expedite the reports; an average reporter needed from one to two hours to transcribe fifteen minutes of shorthand.<sup>27</sup> The reporters went directly from the Gallery to the writing room to transcribe their notes which were immediately carried off for final editing and publication.<sup>28</sup> Transcribing the notes was not an automatic process. Under optimum conditions reporters could hear only about two-thirds of the words emanating from the floor of the House,<sup>29</sup> often making it "mere guess-work to fill up the blanks where one has not heard."<sup>30</sup> Often reporters reconstructed speeches by "imitating the general style of the orator, which by long practice they are able to do."<sup>31</sup> Conscientious reporters often provided adequate coverage of a debate by arranging that colleagues sit in different sections of the Gallery and compare notes afterwards.<sup>32</sup> However, not all reporters were on the TIMES or other large papers, and often these other reporters were slothful men who did not bother to take notes. They relied instead on inveigling their more diligent colleagues into dictating enough information to them afterwards to write up a report.<sup>33</sup>

In practice all reporters adhered to the general rule of noting only the most important speeches. There were only three main exceptions. Reporters for provincial papers or for the Press Association reported the remarks of certain provincial representatives at great length whether or not these men were important in the House. Also, certain individual members retained reporters to report their speeches in great detail.<sup>34</sup> In this way various unexceptional speakers were given publicity whom the newspaper would otherwise have underreported or ignored altogether. Finally, any sort of skirmish on the floor of the House attracted the reporters' attention more than most other, more solid, subjects. "Anything of a personal character is sure to attract attention," one Supervisor admitted.<sup>35</sup> There also existed an unorthodox method of obtaining speeches which lightened the reporters' task. Sometimes reporters accepted written copies of speeches from members,<sup>36</sup> though this was much frowned upon. The author of such a speech invariably made great improvements upon the speech as he had delivered it in the House. However, the practice survived because it was very much easier for the reporter than reporting.

Ministerial and opposition front bench speakers, as well as the speakers reported fully for other reasons comprised only a small percentage of the total number of speakers reported. The rest of the speeches were given in resumé or condensed form. This meant that reporters had to devise some method to indicate the relative length of each speech. They developed the system of giving the length of the speeches in an exact ratio, thereby providing a guide for comparing the length and importance of the speeches.<sup>37</sup> Unfortunately this system was not wholly accurate because many speeches were omitted altogether.

All condensed speeches and many of the more fully reported speeches were given in the third person.<sup>38</sup> This was the traditional style for parliamentary reporting, originating in the days when reporters could at best sneak notes, and before scientific shorthand was a common skill. Nonetheless, the 1888 Select Committee on Parliamentary Reporting was convinced that this tradition was totally unsuitable for present conditions. The Committee wrote that

A report in the third person is a bad report, not merely, nor indeed so much, because it is unduly brief, as because it is an incorrect report. The third person report has the tendency to bring down all speeches to a monotonous and dull level, for it is the individual reporter who is represented in them, and not the different speakers, diverse in temperament, thought and diction. Behind a report in the first person the reader can see the personality of the speaker. Such a report of a speech has colour, reality, the variety of life, while a report in the third person is bad, not only because it is too brief, but because it gives a false impression, and is, therefore, in the higher sense, an incorrect report.<sup>39</sup>

Yet parliamentary reporters identified first person reporting with verbatim reporting, a system they despised. One witness, for example, continually and contemptuously referred to first person reporting as "giving mere words".<sup>40</sup> This sort of contempt was as deeply rooted as were its historical origins. First of all, reporters took non-verbatim reports by tradition. Reinforcing this tradition, and no doubt one of its original causes, was the physical impossibility of even hearing, let alone reporting, every word uttered in the acoustically unsound House of Commons. Also, reporters in Parliament were not all personally equipped to handle verbatim reporting. Shorthand, an almost essential tool for verbatim reporting, was not a common skill among parliamentary reporters until the middle of the nineteenth Century.<sup>41</sup> The first really excellent and scientific shorthand system, replacing the cumbersome systems of old, was published by Sir Isaac Pitman only in 1837.<sup>42</sup> Needless to say, their stenographic inadequacies reinforced the reporters' dislike of verbatim reporting because they had a serious personal stake in keeping it at bay.

The reporters also had literary reasons for disliking verbatim reporting. Parliamentary reporting was traditionally associated with men of literary genius and many contemporary reporters also had claims to literary ability.<sup>43</sup> Added to these literary considerations was the reportorial group's scorn for most of the speakers it serviced.<sup>44</sup> Parliamentary procedure was often dignified in the Bagehotian sense only; to the daily observer it seemed a contemptible and pitiful spectacle.

Its appearance, indeed, frequently seemed to be that of a bear-garden rather than of a grave deliberative Assembly, and the occasional want of decorum pained and astonished the foreign observer. "Members," wrote one of them, "may be seen lying upon their backs on the seats, and kicking against the walls with all their might, to testify their approbation of one of the Minister's incomprehensible speeches. Finally, when the House breaks up, they trundle out like so many schoolboys dismissed to a long vacation, or so many fiddlers from the orchestra when the curtain rises to the First Act of a Tragedy." It is hardly surprising, then, that before the meeting of every new Parliament, dozens of bricklayers and carpenters were brought in to repair the walls, seats and wainscoting.<sup>45</sup>

Members also slept stretched out under the Gallery, and they ate and drank in the House. Many of them were notoriously drunk throughout the proceedings. In general parliamentary behaviour was so reprehensible that reporters had little respect for most members, and none at all for preserving their exact words.<sup>46</sup> As Charles Dickens wryly put it,

Night after night, I record predictions that never come to pass, professions that are never fulfilled, explanations that are only meant to mystify. I wallow in words. Britannia, that unfortunate female, is always before me, like a trussed fowl, skewered through and through with office-pens, and bound hand-and-foot



with red tape. I am sufficiently behind the scenes to know the worth of political life. I am quite an Infidel about it, and shall never be converted.<sup>47</sup>

There was a final and equally important influence against verbatim reporting. This lay in the very nature of newspapers, the employers of all the reporters and the sources of the parliamentary debates.

Newspapers deal with reports as they do with every other article of intelligence ; as simply what will command a commercial market ; and it is impossible not to see that a great many of the speeches delivered would be such as would overcrowd their columns, and would not command their market. They would be performing a very different function from that which they now perform if they were to give a verbatim report of everything that passed in Parliament. A verbatim report of a long debate in Parliament would, I suppose, occupy the whole of "The Times,"

Lord Halsbury explained.<sup>48</sup> On very rare occasions the TIMES' reports were as long as forty-four columns, but this was most exceptional.<sup>49</sup> In the 1840's, the TIMES devoted about one hundred columns a week to parliamentary reports.<sup>50</sup> At an average rate of three columns for each hour of speaking time,<sup>51</sup> three columns represent about thirty-three hours of speaking time. Other papers devoted about thirteen or fourteen columns daily to parliamentary reports.<sup>52</sup> In later years both the quality and the amount of reporting deteriorated. The reports were shortened in response to what newspaper proprietors believed was declining public interest in parliamentary reports ; after all, the most important function of commercial newspapers is to cater to the reading public.<sup>53</sup> In addition, there was the inevitable temptation to shorten reports when every single column of parliamentary debates meant one less column of advertising at £20 per column.<sup>54</sup> Finally, once parliamentary reporting was judged less salable a commodity than it had been, the demands for high standards were lowered, the calibre of men attracted to the profession was less outstanding and the quality of their work was soon noticeably inferior to earlier reports.

Parliamentary reporting had a multi-dimensional aspect. It was a profession and institution of traditionally great importance in the development of Parliament and its associated organizations. It was equally a feature of the newspaper world ; indeed, its origins were written indelibly in newsprint ink. The newspaper world, unlike the parliamentary, was a commercial world in which news of all kinds was ultimately a commodity to be sold to the public. Both the parliamentary and newspaper worlds were steeped in politics as well, the parliamentary world thoroughly, the newspaper world less so. All these considerations were important aspects of the parliamentary reporter's profession, and in whatever juxtaposition each reporter placed them, were fundamental to the whole institution of parliamentary reporting.

The reporter had also to deal with the more mundane and concrete aspects of his profession. He had to supply his newspaper employer with the sort of reports readers desired, and he had to obtain these reports in a fairly traditional way. Usually his reports, given in the third person, were resumés of most, though not all, speakers' ideas. The length of these speeches was proportioned so that the reader could judge their relative lengths by comparing them. These reports were mixed with longer, fuller accounts of ministerial and front bench opposition speakers, though these too were usually given in the third person. Verbatim reporting was almost unknown ; it was reserved for extremely special occasions, or the rare brilliant speaker. Parliamentary reporting still reflected the two worlds the reporter worked



in, the political world of Parliament, and the commercial world of the newspaper which employed him. This style, and the tradition and techniques which produced it, were for Canadians the ultimate in parliamentary reporting.

### CANADIAN TECHNIQUES

Canadian parliamentary reporting, though modelled on the British institution, had also to cope with local Canadian conditions. Parliamentary news was an even more important feature of Canadian newspapers than it was in the Mother Country. Canadians were so relentless in their demands for detailed parliamentary reports that newspapers failing to satisfy them faced certain financial ruin.<sup>55</sup> As an institution parliamentary reporting was profoundly influenced by the newspapers whose columns it filled and by the relation of these newspapers to Parliament and especially to the individual politicians in Parliament. The Canadian Press had a more fundamentally political character than its British counterpart. Usually Canadian newspapers were either owned, operated, directed or greatly influenced by a member of Parliament or else by a member's most intimate political colleagues and allies. This established a more intimate association between the Canadian Parliament and the Press than between the Mother of Parliaments and the more literary, independent and financially secure British Press.

One of the most significant differences between the British institution and its Canadian transplant lay in their respective personnel. The Canadians involved were differently oriented and motivated than their English counterparts. Canadians had achieved a much greater degree of equality with each other and with their elected representatives than was true in England, and had for years enjoyed a much wider franchise. Canadian representatives were so far from having aristocratic pretensions that the first pre-Union Parliaments had included illiterates. The extensive Canadian franchise led to widespread participation in politics. The hope of patronage on the part of the individual elector also encouraged direct political involvement on the popular level. The dearth of cultural activities lent politics additional interest and attraction. Even the illiterates were able to join in. In Lower Canada, for example, the after-Mass reading of such current documents as political broadsides and religious *mandements* was an established institution.<sup>56</sup> In this sense the American influence on Canada was stronger than the British, though the democratic impulses which were reinforced by the proximity of America were channelled into British-derived rather than republican institutions.

Canada always had a political crisis either fermenting, being resolved or having just attained resolution, and these crises often involved journalists. Then, if Parliament dealt with the crisis, the newspapers naturally showed a vital interest in the debates. Usually this interest was openly partisan, and Upper and Lower Canadian editors were constantly being tossed into prison and paying fines because of their politically committed journalism.<sup>57</sup> This was much less true after the Union, but before that event there are countless examples of press persecution and suffering which forged the tradition of a fearless and popular political Press. Pierre Bédard and François Blanchet of LE CANADIEN were imprisoned for articles they wrote. Etienne Parent, editor of the same paper, was also jailed. Ludger Duvernay of LA MINERVE and Dr. Jocelyn Waller of the CANADIAN SPECTATOR were constantly at odds with the governments which had them incarcerated. Dr. Edmund Bailey O'Callaghan and his Montreal VINDICATOR were often in trouble. Bartimus

Ferguson of the NIAGARA SPECTATOR and Francis Collins landed in prison. Richard Cockrel of the ST. DAVID'S SPECTATOR and James Durand of the NIAGARA BEE suffered at the hands of the Upper Canadian legislature for certain political comments in their papers.<sup>58</sup> In other words, Canadian newspapermen were almost always serious and committed political activists.

The intensity and fervour of Canadian politics was almost matched by its sectional nature. The Legislative Union had not united the two colonies culturally or linguistically, and as a consequence a burning issue in one of the Canadas was often a mammoth bore in the other. The language problem was superimposed onto this sectionalist tendency. Issues were often effectively English or French as well as sectional, and the newspapers which gave excellent coverage to debates on one issue might easily neglect another which affected only the other section of the province. So in even the very best Canadian newspapers news coverage tended to be sectionally and linguistically selective.

The deeply political Canadian people expected more than widespread parliamentary coverage; they expected it in a paper which represented their own specific political interest in the particular town or district they inhabited. This explains the truly phenomenal number of newspapers in the small province. The average number was quite impressive, though it fluctuated rapidly because of the instability which led to newspapers' rapid establishment and then contributed to their equally rapid demise. In 1836 Upper Canada had thirty, Lower Canada twenty papers; by 1857 Upper Canada had one hundred and fifty-nine, Lower Canada fifty-four.<sup>59</sup> Usually each paper did more than represent the local interests of the section and a district or town within that section, and of course a specific language and political group, but strongly identified with one of the members of Parliament as well. For example, the HAMILTON SPECTATOR was closely identified with Sir Allan MacNab; BATHURST COURIER with Malcolm Cameron; LA MINERVE with Ludger Duvernay and the partisans of Louis-Hippolyte LaFontaine; LE JOURNAL DE QUEBEC with Joseph Cauchon; TORONTO GLOBE with George Brown; WESTERN HERALD with Col. John Prince; ST. CATHARINES JOURNAL with William Hamilton Merritt; MONTREAL PILOT with Francis Hincks; QUEBEC GAZETTE with John Neilson; L'AVENIR with Louis-Joseph Papineau; CHRISTIAN GUARDIAN with Egerton Ryerson; and L'AUREOLE with Denis-Benjamin Viger. The relationship was a more intimate one than that between members and papers in Britain, including even those British provincial newspapers which spotlighted their own local representatives.

Canadian newspapers were almost unique in their particularism and individuality. The dearth of skilled reporters meant that those available had the licence open to any professionals who are greatly in demand, and many reporters took advantage of this situation to impose their own personalities on their reports. Before the Union the Upper Canadian reporter was more inclined to do this than his Lower Canadian counterpart, who was quite restrained in his treatment of both friend and political foe.<sup>60</sup> After the Union the reporters from both sections indulged about equally in this personalism, very noticeably in political news and commentaries though not as much in strict parliamentary reportage. From time to time, however, reportorial biases and loyalties distorted even the most subdued and objective parliamentary reports. For example, in an otherwise typically straightforward account of the Assembly's proceedings, the MONTREAL TRANSCRIPT stated that "The Hyena laid upon the table the returns moved for respecting the Fee Fund of the District and Division Courts — 200 copies ordered to be printed. He also laid upon



the table the public accounts of the last year.”<sup>61</sup> The Hyena was Inspector General Francis Hincks.

The small Canadian papers had only very limited space for parliamentary debates, and so fairly rigorous selection of the speeches to be published was essential. Despite the fact that debates had priority over all other news, it was still impossible for any paper, no matter how large or how often distributed, to give complete coverage.<sup>62</sup>

We have endeavoured to make a running comment on the proceedings in the House, and to put our readers in possession of the arguments employed on both sides, and occasionally to give important speeches. The employment of fifty reporters would not enable us to do more, unless we increased the size of our paper and published it daily at an immense increase of expense,

one newspaper editor explained.<sup>63</sup> Most papers tried their best to give the maximum coverage possible. For example, they almost all relegated the Legislative Council to second place after the Assembly; this policy was a direct reflection of the Council's lack of power after 1841. However, it remained an unalterable fact that the papers were too small for full coverage.

It is possible to calculate exactly how much of the Assembly's proceedings were published in the newspapers. English newspapers were estimated to contain about one hour of debates in every three columns. Canadian newspapers required sixteen columns to cover the same amount of material contained within ten London columns. Some of the best Canadian newspapers in our period were estimated to devote thirty columns weekly to reports of debates, the equivalent of eighteen and three-quarters English columns.<sup>64</sup> They therefore contained weekly reports of approximately six and one-half hours speaking time, in other words averaging just a little over an hour's worth of speaking time for each day of an average six-day weekly sitting. Another way to determine how much material was omitted is to use today's estimate of an hour's public speaking at eight thousand words, an estimate also valid for the 19th Century when T.C. Hansard estimated one hour's debates to contain about seven thousand and eighty words.<sup>65</sup> With these figures as a guide, we can judge the degree to which Canadian newspaper coverage of Parliament was inadequate. Of course no paper gave verbatim reports, so the average weekly column rate represented very edited accounts of debates lasting many more hours than the figure arrived at by using the above column/word ratio. The extent of this editing is revealed by such comments as "Mr. Aylwin spoke for one hour and forty minutes," preceding a six line summary of Aylwin's entire speech.<sup>66</sup>

As a result of this need for strictly limiting the space allotted to them, the reports were usually third person summaries of speeches, with only very important or politically compatible speakers reported fully. First person reporting was almost unknown. Often speakers were omitted, sometimes because they were considered insignificant, other times because they were politically antagonistic. For example, the editor of the Montreal PILOT complained that the Press of the opposing political party had neglected to report certain speakers for purely partisan reasons.

It is a remarkable fact that Mr. Baldwin's closing speech by far the most important made during the debate appeared in no paper but the *Pilot*. The excuse for not giving it is that "it was physically impossible" there being *neither pens* nor types in the city to follow a discussion so enormously protracted.... Mr. LaFontaine was not reported because, forsooth! he did not speak



English which he can do "if he likes" and which he ought to do no doubt at the expence (sic) of his own countrymen to please the *Gazette*.<sup>67</sup>

The lack of financial security limiting the size and scope of Canadian newspapers also limited the number of reporters which any one paper could afford to employ. In Canada reporters worked "individually not as reporters at home, where each paper has a corps of them on every debate...." <sup>68</sup> Therefore, unless Canadian reporters arranged with colleagues to borrow notes for those times when they were absent from the House for meals and so on, their reports covered only what transpired when they were actually present. In the years 1841 and 1842, for example, the BRITISH COLONIST reporter habitually arrived at the House somewhat later than his colleagues. It was only in 1843 that he or his employers appear to have joined forces with the correspondent of the MONTREAL GAZETTE because in that year they began to publish identical reports. <sup>69</sup> Despite the disadvantages of working independently of one another, the reporters never formed a co-operative Press corps, though individual reporters co-operated from time to time. Instances of their co-operation are easily recognized. For example, sometimes newspapers would simultaneously print debates in which most speeches were completely different from those in another newspaper, but in which some few speeches were identical. It is reasonable to conclude that on these days the reporters spelled each other, or that one reporter dictated his own account of a debate to the reporter who had missed part of it. Another type of reporter, called the parliamentary correspondent, whose ranks included such men as the MONTREAL GAZETTE's H, LA MINERVE's X. Y. Z., LE CANADIEN's \*\*\* and the BATHURST COURIER's "Watch 'Em", also prepared reports. These men attended most Assembly sittings and then wrote summaries of the day's or week's work. Their *précis* were designed to comment on the debates rather than to reproduce them, though often, an individual speech was considered noteworthy enough to report in detail.

Like their English counterparts, Canadian reporters were also responsible for transcribing their notes and delivering them to the paper for publication. <sup>70</sup> For all except reporters on Seat of Government papers, this meant transcribing notes posthaste. They had to catch the mail in time to ensure an early arrival at the newspaper office. As a result, many reports are the product of almost all-night transcribing marathons. "The lateness, or rather, earliness of the hour at which I write, compels me to be brief, and I will merely state some of the opinions expressed by those, in whom your readers take most interest," one reporter explained. <sup>71</sup> These trying conditions made accuracy and completeness very difficult to achieve, but the reports were published regardless. Indeed, one editor introduced several corrections to an earlier parliamentary report by admitting that "In the hurry of writing out their notes Reporters will sometimes make mistakes," but he added that "Hon. members may think themselves fortunate that they are not oftener misrepresented." <sup>72</sup> Newspapers had to tolerate the reports supplied to them because they were simply unable to provide anything better, partly through lack of money, partly through a chronic scarcity of reporters. "I have sent you a summary of the proceedings in the Legislative Assembly during the past week," wrote Francis Hincks.

I have endeavoured to give the substance of my own observations on some of the questions which have been before the House; but as I am obliged to write entirely from memory, and after the lapse, generally, of two or three days, I could not venture to give any thing like a report of the debates which have

taken place. It is much to be regretted that we have no efficient Reporters, as the questions under discussion are of the very highest importance.

Hincks added that to compensate for the scarcity of reporters, he would "be very happy, indeed, to insert the remarks of any member on either side of the House, provided they were compressed into a small space."<sup>73</sup> This was rather a desperate suggestion, but Hincks was evidently prepared to attempt anything to provide his readers with acceptably broad parliamentary coverage, no matter how unorthodox the methods.

Reporters also contended with poor accommodation in the Parliament buildings. In 1841 the Assembly was lodged in a building originally designed as a hospital. Though it had been quite luxuriously refurbished for the members, the reporters did not consider their Gallery adequate.<sup>74</sup> It should be noted that though they complained, Canadian reporters were still incomparably better off than their English counterparts, who worked in appalling conditions. "I have worn my knees by writing on them on the old back row of the old Gallery of the old House of Commons," wrote Charles Dickens of his reporting days, "and I have worn my feet by standing to write in a preposterous pen in the old House of Lords, where we used to be huddled together like so many sheep kept in waiting, say, until the Woolsack might want re-stuffing."<sup>75</sup> In 1841 however, in Kingston, Upper Canada, comfort was an important commodity whose absence provoked serious discontent.<sup>76</sup> On the whole the conditions under which reporters worked were quite difficult, but their newspapers were hard-pressed to improve them. They were too hampered by lack of money, personnel and column space. However, the public appetite for parliamentary reports was unflagging, and forced the newspapers to seek constantly to provide the best possible reports.

A comparison between the techniques and style of parliamentary reporting in Britain and in Canada points up the similarities between the two institutions. Both were the product of Parliament and the Press, and both were politically influenced. The differences were of degree. Canadian parliamentary reporting was more politically-oriented, more structured to conform to the exigencies of newspapers' demands and requirements. However, in concrete particulars Canadian parliamentary reporting operated quite differently from the English model because of conditions peculiar to Canada. Reporters had to work independently, because no paper could afford a large staff as in England, and at the beginning of the Union period, most papers could only manage to support one reporter. Nevertheless Canadian reporters co-operated only occasionally. Their reports consisted of condensed versions of speeches in the third person, written in a style not too dissimilar from the English, though in Canada no attempt was made to write speeches in the same style as the speaker habitually used. To the contrary, in Canada the style was invariably the reporter's own; indeed his personality tended to pervade the reports. These reports are the material from which the reconstructed HANSARD is drawn.

#### Footnotes — Chapter IV.

1. D. Menhennet's review of *THE HOUSE IS SITTING*, by Arthur Baker, in *PARLIAMENTARY AFFAIRS*, vol. XII, no. 2, p. 270.

2. D.G. Crockett, "The M.P. and his Constituents," *PARLIAMENTARY AFFAIRS*, vol. XX, 1968-69, p. 282. "According to one member: 'Very often when people are talking in the House they are doing so for the benefit of their local newspapers.' Members regularly issue copies of their speeches to local newspapers and some contribute articles to the constituency



press. A few will even attempt to win the confidence of reporters by offering them 'hints' on parliamentary developments."

3. There were several Committees which studied the problems of parliamentary reporting: SELECT COMMITTEE, 1862; SELECT COMMITTEE ON PARLIAMENTARY REPORTING, 1878; SELECT COMMITTEE ON PARLIAMENTARY REPORTING, House of Commons 203 of 1878-79; REPORT FROM THE SELECT COMMITTEE OF THE HOUSE OF LORDS ON REPORTING, House of Lords 66 of 1880; SELECT COMMITTEE, 1888; REPORT FROM THE SELECT COMMITTEE ON PARLIAMENTARY DEBATES, House of Commons 253 of 1892; REPORT FROM THE SELECT COMMITTEE ON PARLIAMENTARY DEBATES, House of Commons 213 of 1893-94; REPORT FROM THE SELECT COMMITTEE ON PARLIAMENTARY DEBATES, House of Commons 239 of 1907; REPORT AND SPECIAL REPORT FROM THE SELECT COMMITTEE ON PUBLICATIONS AND DEBATES' REPORTS, House of Commons 285 of 1909. Of these the most important for our topic were those of 1862, 1878 and 1888.

4. Some of the most valued witnesses testifying before the various Select Committees were reporters: for example, Edward Lloyd, proprietor of the DAILY CHRONICLE, examined in 1888; John Moore, shorthand writer, reporter and manager of the Press Association examined in 1888; William Leycester, head the TIMES' staff in the House of Commons Reporters' Gallery, examined in 1888; and particularly Charles Ross, examined in 1878. Ross, who was in 1878 head of the TIMES' reporting staff in the House of Commons had entered the House as a reporter in 1820, and ceased working there only in 1883 at the age of eighty-three. He was also the compiler of the ROSS RECORD, a kind of edited HANSARD that he issued from 1861, and which in 1866 was given a government subvention. The members used this publication which was distributed weekly to them, often enough to be of use to them. See SELECT COMMITTEE ON PARLIAMENTARY REPORTING, 1878, pp. 48-49 (56-57). Another important witness was William Henry Gurney Salter, shorthand writer in the House of Commons, and descendant of the shorthand Gurneys. Gurney Salter testified in 1888. See also THE HISTORY OF THE TIMES: THE TRADITION ESTABLISHED, p. 595, which states that many of the journalists questioned in 1888 gave replies "of much historical value."

5. Wilding and Laundry, AN ENCYCLOPEDIA OF PARLIAMENT, p. 282; SELECT COMMITTEE ON PARLIAMENARY REPORING, 1878, Questions 541, 542, p. 39 (47), Question 599, p. 44 (52), Questions 627, 628, p. 46 (54).

6. SELECT COMMITTEE ON PARLIAMENTARY REPORTING, 1878, Question 632, p. 46 (54).

7. IBID., Question 630, p. 46 (54).

8. SELECT COMMITTEE, 1888, Question 123, p. 14 (436).

9. Martin Burrell gives an amusing example of one reporter's failure to recognize such an erudite remark: "John Bright once quoted Milton's lines;

'... I argue not  
Against Heaven's hand or will, nor bate a jot  
Of heart or hope; but still bear up and steer  
Right onward.'

The reporter, who had somewhat foggy notions about poetry, observed, 'The honourable gentleman said that he wouldn't argue against the hand or will of heaven, nor would he bate a jot of heart or hope, but would bear up and steer right onward.'" BETWIXT HEAVEN AND CHARING CROSS, p. 267. Incidentally, this example also gives an indication of how accurate reporting could be.

10. This is almost more important than identifying members by sight because they constantly call out remarks during another member's speech and without ever being recognized by the Speaker. Therefore the parliamentary reporter does not have time to look up from his notebook each time he hears a new voice; he has to be able to recognize it by ear. This is true even today in the Canadian House of Commons because the tape recorder is manually tuned in to each speaker and usually in a fast exchange the operator can't switch it quickly enough and the exchange is lost unless the HANSARD reporter has managed to get most of it.

11. Symon, THE PRESS AND ITS STORY, p. 85.

12. Wilding and Laundry, AN ENCYCLOPEDIA OF PARLIAMENT, p. 282.

13. Earlier in the 19th Century reporters were defended in the House as to their respectability by James Stephen who "must have been almost the only M.P. of this period who, as a young man, helped to keep himself by reporting the debates in the House of Commons for one of the daily newspapers..." A. Aspinall, "The Old House of Commons and its Members (c. 1783-1832), PARLIAMENTARY AFFAIRS, vol. VI, 1961-62, p. 185. At that time it was shown that the reporters were "men of education and even literary distinction." Symon, THE PRESS AND ITS STORY, p. 81. When in 1832 Charles Dickens entered Parliament as a reporter



for the MIRROR OF PARLIAMENT, "Parliamentary reporting at this time had reached its zenith. The Galleries of the Lords and Commons were thronged with men of exceptional ability and, for the most part, of high intellectual attainments...." Carlton, CHARLES DICKENS : SHORTHAND WRITER, pp. 80-81. With occasional exceptions such as Dickens, the very best reporters were those on the TIMES whose paper had a staff larger than any of the others, and which gave approximately twice as much space to parliamentary reports as did any other paper. See THE HISTORY OF THE TIMES : THE TRADITION ESTABLISHED 1841-1884, pp. 448-450. There were, however, some less than ideal parliamentary reporters in the Gallery, such as Proby of the MORNING CHRONICLE who worked exclusively from memory; Morgan O'Sullivan, who once slept through a speech of Wilberforce's, then accepted an account of the speech from Peter Finnerty, another reporter, whose fraudulent account was published in O'Sullivan's and several other of his reporter friends' papers the next day, forcing Wilberforce to issue a denial in the House the next day. A sample of the speech : "Had it been my lot to be born and reared in Ireland, where my food would principally have consisted of the potato, the most nutritious and salubrious root, instead of being the poor infirm stunted creature you, Sir, and other Honourable Members now behold me, I should have been a tall, stout, athletic man, and able to carry an enormous weight." Symon, THE PRESS AND ITS STORY, p. 80.

14. Symon, THE PRESS AND ITS STORY, p. 85; SELECT COMMITTEE, 1888, Questions 445, 446, 449, p. 47 (469); IBID., Questions 820, 821, p. 80 (502); Question 868, p. 85, (507); Question 1295, p. 130 (552); Question 1305, p. 131 (553); Question 1312, p. 132 (554); Question 1317, p. 132 (554). It is sometimes felt that because the new Gallery after the Fire of 1834 was so much improved from the old Gallery that it was almost perfect, when in fact all the evidence indicates that the inaudibility in the new Gallery was still quite a problem.

15. SELECT COMMITTEE, 1888, Question 1295, p. 130 (552); Question 1305, p. 131 (553).

16. IBID., Questions 446, 447, 449, p. 47 (469).

17. IBID.

18. IBID., Question 1295, p. 130 (552), Question 1305, p. 131 (553).

19. IBID.

20. Symon, THE PRESS AND ITS STORY, p. 83; SELECT COMMITTEE, 1888, pp. 73-74 (495-496); SELECT COMMITTEE ON PARLIAMENTARY REPORTING, 1878, Questions 742, 743, 744, 745, 746, 747, p. 53 (61). In SELECT COMMITTEE, 1888, Question 281, p. 30 (452) : Lord Halsbury suggests that those who treat the reporting of parliamentary debates as a commercial matter "would only take those speeches which they thought would sell."

21. SELECT COMMITTEE, 1888, Questions 420, 421, 422, p. 45 (467).

22. IBID., Question 421, p. 45 (467).

23. IBID., Questions 505, 506, 507, 508, 509, p. 51 (473).

24. Symon, THE PRESS AND ITS STORY, p. 83.

25. SELECT COMMITTEE, 1888, Question 138, p. 15 (437); THE HISTORY OF THE TIMES : THE TRADITION ESTABLISHED 1841-1884, pp. 449-450.

26. SELECT COMMITTEE, 1888, Question 850, p. 83 (505). Shorthand writers agreed that if they took longer shifts, their work was made much easier, for then "the shorthand writer can keep not only the thread of the sentence, but the thread of the thought; he can understand allusions which he cannot follow if he has only written for a short time."

27. SELECT COMMITTEE ON PARLIAMENTARY REPORTING, 1878, Question 583, p. 42 (50).

28. SELECT COMMITTEE, 1888, Question 428, p. 46 (468); THE HISTORY OF THE TIMES : THE TRADITION ESTABLISHED 1841-1884, pp. 449-450.

29. SELECT COMMITTEE, 1888, Question 1317, p. 132 (554).

30. IBID., Question 1295, p. 130 (552).

31. McLean, "Early Parliamentary Reporting in Upper Canada," C.H.R., vol. XX, no. 4, p. 379, citing Rev. Nathaniel S. Wheaton's TRAVELS, describing reporters in the British Parliament in 1824. Even today, Canadian HANSARD reporters are so familiar with the style and mannerisms of individual speakers that they could, if they wanted to, produce fake speeches, virtually indistinguishable in stylistic terms from members' real speeches.

32. SELECT COMMITTEE, 1888, Question 1295, p. 130 (552).

33. IBID., Question 1305, p. 131 (553).

34. IBID., Question 1325, p. 133 (555).

35. SELECT COMMITTEE ON PARLIAMENTARY REPORTING, 1878, Question 744, p. 53 (61).

36. SELECT COMMITTEE, 1888, Question 282, p. 30 (452); Question 347, p. 38 (460).

37. IBID., Question 358, p. 39 (461); Question 728, p. 73 (495).

38. SELECT COMMITTEE ON PARLIAMENTARY REPORTING, 1878, Question 347, p. 23 (31); SELECT COMMITTEE, 1888, Question 722, p. 73 (495).

39. SELECT COMMITTEE, 1888, p. XI (421).

40. SELECT COMMITTEE ON PARLIAMENTARY REPORTING, 1878, Question 542, p. 39 (47). It was the TIMES' Charles Ross speaking.

41. McLean, "Early Parliamentary Reporting in Upper Canada," C.H.R., vol. XX, no. 4, p. 379, citing Rev. Nathaniel S. Wheaton's TRAVELS, describing reporters in the British Parliament in 1824; THE HISTORY OF THE TIMES: THE TRADITION ESTABLISHED 1841-1884, p. 449.

42. In 1837 Pitman's STENOGRAPHICAL SOUND-HAND was published, based on William Harding's modification of Samuel Taylor's AN ESSAY INTENDED TO ESTABLISH A STANDARD FOR AN UNIVERSAL SYSTEM OF STENOGRAPHY, OR SHORT HAND WRITING, London: 1786. See Carlton, CHARLES DICKENS: SHORTHAND WRITER, p. 39; R.C. Alston, TREATISES ON SHORT-HAND, p. 54, Plate LXX; Pitman, PITMAN'S SHORTHAND: NEW COURSE. Pitman's new system changed shorthand writing drastically by introducing a scientific and phonetic system using simple strokes, elimination of most vowel signs, and position writing, that is above, on and below the line. Before Pitman, shorthand writing was a laborious business, involving the most tedious memorization of arbitrary characters. One of the best pre-Pitman system was that of Gurney, which was quite common among parliamentary reporters. The Gurneys themselves were the official shorthand writers to the Houses of Parliament for reporting Select Committees, as was Felix Gurney-Salter of our own period, who testified before the 1888 Select Committee on Parliamentary Reporting so often cited above. This was the system used by Sir Henry Cavendish to take his famous DEBATES OF THE HOUSE OF COMMONS IN THE YEAR 1774, ON THE BILL FOR MAKING MORE EFFECTUAL PROVISION FOR THE GOVERNMENT OF THE PROVINCE OF QUEBEC, and also DEBATES OF THE HOUSE OF COMMONS, DURING THE THIRTEENTH PARLIAMENT OF GREAT BRITAIN, COMMONLY CALLED THE UNREPORTED PARLIAMENT. It was also the system learned by Charles Dickens, whose impressions of learning it are immortalized in his autobiographical DAVID COPPERFIELD. Lamented David, "I bought an approved scheme of the noble art and mystery of stenography (which cost me ten and sixpence), and plunged into a sea of perplexity that brought me, in a few weeks, to the confines of distraction. The changes that were rung upon dots, which in such a position meant such a thing, and in such another position something else, entirely different, the wonderful vagaries that were played by circles, the unaccountable consequences that resulted from marks like flies' legs, the tremendous effects of a curve in a wrong place, not only troubled my waking hours, but reappeared before me in my sleep. When I had groped my way, blindly, through these difficulties, and had mastered the alphabet, there then appeared a procession of new horrors, called arbitrary characters, the most despotic characters I have even known, who insisted, for instance, that a thing like the beginning of a cobweb, meant expectation, and that a pen-and-ink sky-rocket stood for disadvantageous. When I had fixed these wretches in my mind, I found that they had driven everything else out of it; then, beginning again, I forgot them; while I was picking them up, I dropped the other fragments of the system; in short, it was almost heart-breaking." Dickens, DAVID COPPERFIELD, p. 545.

43. This is still true today of Canadian HANSARD reporters, though sometimes they write under *noms de plumes*.

44. Dickens, DAVID COPPERFIELD, p. 625.

45. Aspinall, "The Old House of Commons and its Members (c. 1783-1832)," PARLIAMENTARY AFFAIRS, vol. XIV, 1961, p. 292.

46. IBID., p. 162, quoting members who complained of the "long and cruel" debates, "dull beyond sufferance"; p. 167, describing members row upon row sleeping, snoring, and yawning their way through the debates; p. 168, citing a poem describing the Speaker's way of enduring debates:

"Like sad Prometheus fastened to the rock,  
In vain he looks for pity to the clock,  
In vain the powers of strengthening porter tries,  
And nods to Bellamy for fresh supplies."

p. 291, citing instances of Sheridan's extreme drunkenness in the House. Another man who inadvertently evidenced contempt for the members was T.C. Hansard himself, and in one way or another there is a tenor of contempt for most speakers on the part of all the reporters and Supervisors called to testify before the Select Committees on Parliamentary Reporting.

47. Dickens, DAVID COPPERFIELD, p. 625.

48. SELECT COMMITTEE, 1888, Question 293, p. 32 (454).

49. IBID., Question 456, p. 48 (470).



50. MONTREAL PILOT, 6 February 1846.
51. SELECT COMMITTEE, 1888, Question 461, p. 48 (470).
52. IBID., Question 1116, p. 113 (535).
53. IBID., Question 293, p. 32 (454); Aspinall, "The Old House of Commons and its Members (c. 1783-1832)," PARLIAMENTARY AFFAIRS, vol. XIV, 1960-61, p. 15.
54. SELECT COMMITTEE ON PARLIAMENTARY REPORTING, 1878, Question 594, p. 43 (51). Testimony of Charles Ross of the TIMES.
55. McLean, "Early Parliamentary Reporting in Upper Canada," C.H.R., vol. XX, no. 4, p. 382, drives home this point and cites example after example. For instance, W.L. Mackenzie said of another newspaper publisher who was having difficulty finding someone to report for him in the Assembly: "He knows if he excluded the proceedings in Parliament from his paper, people would give it up." The truth of this after the Union period is equally indisputable. For example, even a small paper such as the CHATHAM JOURNAL considered parliamentary reports so important that it put out a second issue to cover them. See CHATHAM JOURNAL, 10 September 1842; another small paper, the BATHURST COURIER, wrote that: "The courier is 3s 9d. for three months, in advance. During the Session of Parliament it may be desirable," and so on. See BATHURST COURIER, 4 October 1843.
56. John Hare and Jean-Pierre Wallot, LES IMPRIMES DANS LE BAS-CANADA 1801-1810, p. 3, for example, "Les nouvelles et les idées se colportent. Par exemple, au cours des campagnes électorales, ou en dehors d'elles, les chansons pullulent; les candidats élus et défaits, leurs organisateurs, des professionnels, des curés, des habitants plus instruits s'évertuent à répandre leur évangile politique et social en lisant et commentant les journaux de leur choix à ceux qui ne savent pas lire."
57. They even took such direct action as leading their compatriots in armed rebellion.
58. Kesterton, A HISTORY OF JOURNALISM IN CANADA, p. 20, lists several of these well-known incidents of persecution of journalists.
59. IBID., p. 11.
60. This impression, gained from reading Lower Canadian papers' parliamentary reports from their beginning in 1792, was also noticed at the time. See, for example, McLean, "Early Parliamentary Reporting in Upper Canada," C.H.R., vol. XX, no. 4, p. 390, citing an editorial from the MONTREAL HERALD, commenting on debates as reported in the Upper Canadian papers. "Like all the journalists of that town, the editor permits his personal or political feelings to get the better of his impartiality in reporting the speeches of some members. In his respect, the debates in the House of Assembly of this province are much more fairly treated. However much the editors disagree respecting the soundness of the sentiments, or the accuracy of the facts advanced by different speakers, they reserve the expression of their approval or dissent for the editorial article. We would strongly recommend our Upper Canada contemporaries to imitate their brethren of the Lower Province in this respect."
61. MONTREAL TRANSCRIPT, 27 September 1842.
62. PILOT, 6 February 1846, for example, discusses the impossibility of any Canadian paper giving complete coverage to the debates. The problem was compounded by the lack of many dailies, which did not begin to become common until the second half of the Century. See Kesterton, A HISTORY OF JOURNALISM IN CANADA, p. 25. Before that time three times a week was about the average distribution for a large city newspaper, which meant even less space at the disposal of the editor for parliamentary debates than was to be the case when there was at least a daily paper.
63. PILOT, 12 February 1845.
64. IBID., 6 February 1846.
65. SELECT COMMITTEE, 1888, Question 28, p. 5 (427).
66. MONTREAL GAZETTE, 18 September 1841, re: debate of 14 September 1841.
67. PILOT, 16 December 1844.
68. MONTREAL GAZETTE, 25 October 1843.
69. Prior to 1843 the BRITISH COLONIST almost always carried its own reports. The MONTREAL GAZETTE often carried its own reports as well, but sometimes also copied them from other papers, such as the KINGSTON CHRONICLE.
70. MONTREAL GAZETTE, 3 September 1841, complains about this problem, for example.
71. IBID., 22 September 1842. This example is one of the few taken from 1842, though the problem certainly existed in 1841 as well.
72. PILOT, 2 March 1849.
73. EXAMINER, 4 August 1841.
74. MONTREAL GAZETTE, 13 October 1842, and JOURNALS, 10 October 1842, p. 118, describe petition from Hamilton Hunter and other Assembly reporters praying for better accommodation in the House in order to facilitate their job of taking reports.



75. Carlton, CHARLES DICKENS : SHORTHAND WRITER, pp. 142-143.

76. Lord Sydenham said about the Canadians' love for comfort : "I have really a very fair house for the Assembly and Council to meet in ; and the accommodation would be thought splendid by our members of the English House of Commons. But the fellows in these colonies have been spoilt by all sorts of luxuries, — large armchairs, desks with stationery before each man, and Heaven knows what — so I suppose they will complain." Sydenham to lord John Russell, Kingston, 12 June 1841, cited in G. Poulett Scrope, MEMOIR OF THE LIFE OF THE RIGHT HONOURABLE CHARLES LORD SYDENHAM, p. 234. The BATHURST COURIER of 6 July 1841 contains a description of the Parliament buildings : "The Parliament house is a moderately large stone building situated at the summit of a gentle slope towards the lake — was originally built for a provincial hospital, and is perhaps the most convenient place that could have been met with for that purpose. The interior accommodation, although necessarily contracted is more comfortable than could have been expected. In the Assembly, the benches, which look like long sofas partitioned off into seats are ranged at either end of the room, so the members at one end sit vis-a-vis to those at the other — in fact the ministerial party may conveniently sit on the right hand of the Speaker, and the opposition on the left. In the centre is the Clerk's Table, at the head of which, on a slightly elevated platform, stands the Speaker's very plain chair and writing desk."

## CHAPTER V :

# METHODOLOGY FOR RECONSTRUCTION : THEORY AND MODELS

### SELECTING NEWSPAPERS

The first step in the production of an 1841 HANSARD is to employ all relevant information about the history, nature and techniques of Canadian parliamentary reporting to construct and elaborate a methodological model. This model must then be subjected to empirical testing, modified if necessary, and then applied to the material. The theoretical model so designed for this project is described below.

#### *A. METHODOLOGY FOR SELECTING NEWSPAPERS TO BE USED*

1. A few important motions are chosen from the JOURNALS of the Legislative Assembly. These motions fall within a relatively short period of time, never more than a few years apart. In this context, the criteria for judging a motion's "importance" are :

- a) That a debate was held on a motion. This did not always happen.
- b) That the motion was considered important by contemporaries, i.e. discussed editorially in newspapers or in private correspondence.
- c) That motions deal with matters concerning both as opposed to only one of the two Canadas. This permits comparison of parliamentary reportage in sectional and language terms as well as in terms of the factors described below in Section 4.

2. The debates on these selected motions <sup>1</sup> as reported in all available newspapers on microfilm are printed on the microfilm reader-printer. The print-offs are labelled as to source and motion, and filed by motion. The newspapers used are representative of :

- a) Upper and Lower Canada.
- b) Different sections within the province.
- c) French and English Canadians.
- d) Conservative-oriented, Reform-oriented, or independent political positions. For example, the MONTREAL GAZETTE is i) Lower Canadian ; ii) the organ of urban interests in the District of Montreal ; iii) English language ; and iv) politically Conservative.

3. The following is the list of newspapers included within the preliminary sampling for the years 1841 to 1847 inclusive.

L'AURE <sup>2</sup>

BATHURST/PERTH COURIER

BRITISH COLONIST (Toronto)  
 BROCKVILLE RECORDER  
 BYTOWN PACKET (Ottawa)  
 LE CANADIEN (Quebec)  
 CHATHAM GLEANER  
 CHATHAM JOURNAL  
 EXAMINER (Toronto)  
 LE JOURNAL DE QUEBEC  
 KINGSTON CHRONICLE AND GAZETTE  
 LA MINERVE (Montreal)  
 MONTREAL GAZETTE  
 THE MONTREAL PILOT AND EVENING JOURNAL OF COMMERCE  
 MONTREAL TRANSCRIPT  
 ST. CATHARINES AND PORT ROBINSON JOURNAL  
 TORONTO GLOBE  
 WESTERN HERALD AND FARMERS' MAGAZINE (Sandwich)

Originally the methodology was designed to include not only newspapers on microfilm, but also those few not microfilmed but preserved in bound copies in archives and libraries. The plan called for copying the debates, and filing them as above. However, this idea was soon dropped, for several reasons. First of all, the best newspapers are already microfilmed, with the notable exception of the QUEBEC GAZETTE.<sup>3</sup> Secondly, usually papers have not been microfilmed because they survive in only a few copies or in mutilated form; for these very reasons they are equally unsatisfactory as source material for reconstructing debates.

4. The parliamentary reports selected are compared, and the newspapers in which they are found are classified in terms of the following characteristics :

- a) First or third person reporting.
- b) Frequency of parliamentary reporting, which is dependent upon how often the paper was issued, its size, and whether it gave priority to the proceedings of either the Assembly or the Legislative Council.
- c) Completeness of its parliamentary reporting.
- d) Emphasis on one person in the Assembly, i.e. Joseph Cauchon of the JOURNAL DE QUEBEC, Hincks of the PILOT.
- e) Source and originality of reports. For example, the source of most reports in the ST. CATHERINES JOURNAL in 1841 was the BRITISH COLONIST. The COLONIST's reports, on the other hand, were original to its pages until 1843. Then the COLONIST and the MONTREAL GAZETTE began to co-operate and publish identical reports.
- f) Accuracy, determined by comparison with the JOURNALS of the Assembly, and with other newspapers.
- g) Completeness of the newspaper on microfilm. For example, there existed a MIRROR OF PARLIAMENT devoted exclusively to reporting the debates. However, it is available only in fragments for short periods of time excepting the year 1846, and the years after 1858.<sup>4</sup>
- h) Possible clarification or supplemental material in commentaries separate from the actual reports of the debates.

5. Newspapers are selected for regular use in reconstructing the debates on the basis of the above eight factors. For example, it is obviously superfluous to read several newspapers falling into category 4e above. The main exception to this



applies to the case of papers which contained original reports but were badly printed and are blurry. When these papers were regularly copied by provincial papers which had fewer columns per page, and used larger type, these latter papers were also used. A perfect example is the clearly printed ST. CATHERINES JOURNAL whose usual source for parliamentary news was the BRITISH COLONIST. The COLONIST is often nearly illegible, the fine print of its crammed columns having faded over the years.

6. The tests described in Sections 1 to 5 must be applied over and over again, for the validity of the original choices of newspapers changes radically within short time spans. This was because newspapers :

- a) Rose, e.g. PILOT began only in 1844.
- b) Declined, e.g. L'AUORE declined during *la réaction* 1844 to 1847.
- c) Died, e.g. WESTERN HERALD, 1842.
- d) Amalgamated, e.g. TORONTO EXAMINER with TORONTO GLOBE, 1855.
- e) Changed ownership, e.g. PILOT in 1849.
- f) Changed editors, e.g. Ronald Macdonald replaced Etienne Parent as editor of LE CANADIEN in 1842.
- g) Changed political affiliation, e.g. LE CANADIEN from 1844 to 1847.

7. On the basis of the above criteria, appropriate newspapers are chosen for given time spans. Every single debate reported is then printed off, taped onto file folders, catalogued by source and date, and filed by date of debate.

8. Xerox copies of the JOURNALS of the Legislative Assembly are filed with the print-offs of each day's debates.

9. Political commentaries are also printed off and filed with the motion or debate they describe. Commentaries which deal in more general terms with the activities of the Assembly are filed separately. Both these types of commentary are thus made available for use in a future methodological stage of reconstructing the debates.

## DETERMINING ORDER OF SPEAKERS

### B. METHODOLOGY FOR DETERMINING ORDER OF SPEAKERS IN EACH DEBATE

Determining the order of speakers in each debate is the first problem to be resolved because usually each newspaper gives a different list. The methodology established to deal with this problem has been computerized. The programme is concerned exclusively with the order of speakers. Consideration and examination of the actual texts of speeches are put aside until a later stage, and these texts are not part of the data used by the computer. The report of the programmer, below, explains the procedure of the computer. This report is elaborated further in the Sections dealing with 1) preparing data to be used; 2) the assumptions of the programme; and 3) the usage of the computer-produced lists.<sup>5</sup>

### REPORT OF PROGRAMME FOR COMPILING LIST OF SPEAKERS<sup>6</sup>

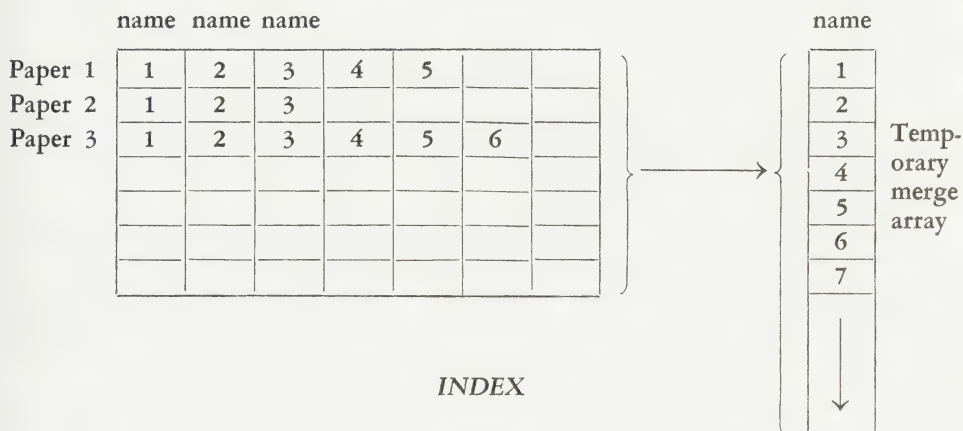
The matching operation consists of two tasks.

Task 1 reads in the raw data (from cards) as reported with a slash (/) delimiter separating the names, an end (E N D) delimiter to signify the end of a report, a

record-mark (or) delimiter to specify the end of a number of reports given by different newspapers for one sitting, and another record-mark to specify the end of all data (any number of sittings).

Task 2 reads in a parameter card specifying the number of newspapers reporting a certain sitting. This number of reports is then read into a two-dimensional table from the tape created in task 1. Each report occupies one row of this table. An index is then created specifying the number of names in each report (row) and the relative size of that row as compared to the other, e.g. three papers reporting.

TABLE



INDEX

	paper 1	paper 2	paper 3			
no. of names reported	5	3	6			
comparative size	2 (medium)	3 (smallest)	1 (largest)			

The two largest rows are determined and a merge is attempted in the following manner : two names, i.e. name 1 from paper 1 and name 1 from paper 3 in the first instance, are compared and, if equal, that name is stored in a temporary array and the pointers of each row are then incremented (set to the next name). If the names are not equal, the pointer of the larger row is incremented and again the comparison is made and if equal, the two names, i.e. the one by-passed and the equality, are stored sequentially in the temporary array next to any names already there. If no equality is found after an arbitrary number of tries (arbitrary value is determined by the relative sizes of the rows being compared), the pointer is set back to whatever its value was before the present string of comparisons was attempted and the same procedure is carried out, only this time the pointer moves down the smaller row.

If there is still no go, the arbitrary values are multiplied by two, the pointer of the smaller row is reset, and the search sequence continues again with the pointer moving along the larger row. In the event of a name being present in each of the two rows, i.e. two different names, with no match in the other, one is arbitrarily accepted and the other is placed in no-match array. The pointers of both rows are incremented (past the two no-match items) as though an equal comparison had

been made and the process continues until the end of one or both rows is reached. When the end of one row is reached before the other, the rest of the names of that other row are stored sequentially in the temporary array.

At this point all the names in the temporary array are printed out, followed by the printing of all names in the no-match array. The names in the temporary array are dumped into the largest row of the table (destroying anything that was there previously) and the index of this row is correspondingly updated.

The next largest row is determined, the pointers reset, and the process continues until all rows have been completed.

## COMPUTER LISTS

### C. METHODOLOGY OF PREPARING INFORMATION FOR COMPUTER, TO OBTAIN LIST OF PROBABLE ORDER IN WHICH MEMBERS SPOKE IN EACH DEBATE

The computer programme designed to establish the probable order of speakers in each debate uses forms which list the speakers in each debate as reported by all the papers consulted. These lists are prepared by copying each newspaper's list, but sometimes they are changed a little when they do not fulfil certain conditions. These lists must always be prepared consistently with the assumptions programmed into the computer. The lists, which are the only data the computer has to work with, must be corrected when discrepancies are found. (See Section D below, explaining the assumptions programmed into the computer, and the Report above, describing the techniques of the programme.) Sometimes a list for a specific debate is known to be invalid. For example, any obvious inversion of speaking order (as determined by internal evidence and comparison with other papers) is corrected before being fed into the computer, since the computer is not programmed to question or reject material, only to merge it. Tiny unimportant interjections reported in only one paper, such as : "Mr. Aylwin said 'Hear ! Hear !'", are not included in the information, because the computer would give them equal weight with speeches. Then when it sorted names it would produce a less valid list of speakers. Such interjections are noted separately and inserted manually. (See Section E below, on usage of computerized lists.) In cases where one or more newspapers have merely copied their report of a debate from another of the papers consulted, only a single list taken from the original source is fed into the computer. Under the conditions of the programme, duplication of that list would reinforce its validity, whereas in reality such duplications are nothing more than reflections on contemporary journalistic practice, and not on accuracy in parliamentary reportage.

## ASSUMPTIONS OF PROGRAMME

### D. ASSUMPTIONS OF PROGRAMME

All programmes proceed from a number of assumptions about the material dealt with and about the type of results expected. These assumptions, which affect both preparation of the raw data and usage of the results, are that : 1) *Omissions in reporting speakers were possible.* 2) *Two or more speeches, even by one man on*



*the same subject in the same debate, were never reported as one speech.* 3) *Reporters did not invert the order of speakers.* 4) *Every name mentioned in every list must be included somewhere.* In the programme, if a name is not included in the context of the order of speakers, then it is specifically noted as mismatched. (See usage of computerized lists, Section E, and Report above). 5) *The longest lists are most likely to give the most complete and detailed coverage of a specific debate.* 6) *The length of lists is determined by the number of names included in each list.* This means that the credibility of a short list which may in fact be extremely thorough, but which gives only partial coverage of a debate, (e.g. the reporter did not return to the House after dinner,) is less than a somewhat longer list which actually represents a sketchier report of the entire debate. However, this same short list will reinforce the credibility of the order of speakers given by the longest list, up to the lunch period, when it is merged with the other lists. This is possible because the computer is programmed to search out identical names in sequence, and at this stage of its work does not scan any given list to see how much longer the search extends. Nor does it define the end of a list as necessarily representing the end of a debate. 7) *Finally, the programme makes assumptions about the nature of the results it will produce. These results, in the form of lists, will give an order of speakers which is verisimilar rather than true, and the level of probability achieved in any one list is dependent upon the correctness of information fed into the computer.* Probability, or verisimilitude, is also increased by the quality of manual manipulation of the computerized list. The latter process must attempt to reconcile scientific merging with empirical data not available to, or usable by, the computer.

## USING COMPUTERIZED LISTS

### E. USING COMPUTERIZED LISTS

It will be seen from the Report above that the programme produces computerized lists for each debate considered. Each list is the result of the merges described. To determine what speaking order will be accepted for a given debate, all the lists for that debate are considered. However, heaviest emphasis is placed on list 3, the product of merging the four papers giving the longest lists of speakers. The lists following, which are the result of merging smaller lists (see Report above) tend to greater mismatching of names, or redundancy, and are therefore less valid than earlier lists. However, the later lists are studied and on the basis of comparison, internal evidence, and in some cases, extra unprogrammed information not available to the computer, manual rearrangements and changes are made. Specifically, the names listed outside of the context of speaking order (mismatches) are inserted manually after their probable order is determined by comparison of lists, and by internal evidence. Interjections of the type mentioned in the Section dealing with preparation of data fed into the computer are similarly inserted. By these means a list establishing the order of speakers in each debate is produced. This final list is accepted as the most valid, in that it has been subjected to scientific and empirical criteria, and thus satisfies the objective of verisimilitude.

In the next methodological stage the list is no longer the outcome of a series of operations. Instead, each list becomes the basis and the essential guideline in an entirely different operation. It is in this next stage that the texts of the speeches are dealt with.

## PREPARING TEXTS OF SPEECHES

*F. METHODOLOGY FOR PREPARING TEXTS OF SPEECHES DELIVERED IN THE DEBATES*

The same speech (the equality being established by the computerized lists discussed above) as reported by all the newspapers, is compared. This comparison can produce several different types of situations, each requiring a different solution.

1. The texts of the speech as reported may be identical in each newspaper. In this case, the procedure is to transcribe the text and to identify the source by the appropriate multiple references.

2. The texts of the speech as reported may be identical in each newspaper, but only because the speech as reported by one newspaper was copied by all the others consulted. In this case the text is transcribed from the paper in which it was originally reported, and the multiple references are qualified by being identified as copies of the single source.

3. The texts of the speech as reported may be very similar, deviating only in ways which in no sense change the meaning. If the evidence indicates that each paper reported the speech independently, then that speech is chosen which satisfies the following criteria :

a) It is reported in the first person.

b) It is found in a newspaper whose language is that of the speaker and has therefore not been translated.

c) It is found in a newspaper which gives political support to the speaker or the party with which the speaker usually acts.

If no text can satisfy all criteria, more reliance is placed on a) than on b) or c), and more on b) than on c).

4. The texts of the speech may be differently reported, but may agree on the type of material dealt with and the speaker's opinions on it and his interpretation of it. In this case, that speech is chosen which satisfies the following criteria :

a) It is reported in the first person.

b) The speech omits nothing mentioned in other papers and in fact is more elaborate and detailed than any of its fellows.<sup>7</sup>

c) It is found in a newspaper whose language is that of the speaker and has therefore not been translated.

d) It is found in a newspaper which expresses editorial support for the speaker or the political party with which he usually acts. If all these criteria cannot be satisfied, more emphasis is placed on criterion a) than on b) c) and d) ; more on b) than on c) and d) ; more on c) than on d). In fact, a speech reported in the first person will usually also be the most complete, detailed and accurate. In other words, if criterion a) is satisfied, it will follow almost automatically that the second criterion will also be satisfied.

5. The texts of the same speech may be reported in different papers as having encompassed entirely different material, and as having expressed opinions opposing or contradicting those reported in another paper. In this case, no one speech is selected to the exclusion of all the others : all are given. If it is possible, the speeches are divided into two or more categories, each category being defined in

terms of general agreement on material and slant expressed. The speeches within each category are then subjected to the criteria used for speeches in situation 4. The most valid speeches in each category are selected accordingly and are transcribed. Any evidence found either internally or in political commentaries, which indicates that one or another version of the speech was given, is included in footnote form. Having been given all the relevant information and being familiar with the methodology followed in this project, the reader will be able to make his own judgement about the relative validity of the contradictory speeches. In practice, such contradictory reports are rare, and usually result from a reporter's honest mistake, usually in hearing. Audibility in the Gallery was not perfect, and "the whole meaning of a sentence may depend upon 'none' instead of 'one', upon 'not' or upon a verb."<sup>8</sup>

These five model situations have been described individually. Either individually or in combination they cover all the possible situations to be encountered in this stage of reconstructing the debates. The means of dealing with each individual situation have been explained. Combinations of these are dealt with by breaking the situation into components which will correspond to two or more of the situations outlined above, and then proceeding with each component problem as usual. The results are then reintegrated. For example, the texts of a speech as reported may correspond to situation 3 from the speaker's opening remarks until he expresses a strong opinion. At this point the speech may be reported in contradictory terms by different newspapers, as occurs in situation 5. To reconstruct the speech, that part which corresponds to situation 3 is handled as in model 3. Similarly, the latter part of the speech is dealt with as in the model of situation 5. The two parts of the speech are then appropriately reintegrated to produce a verisimilar reconstruction of the historical reality.

It is evident that in a work such as this reconstruction, the human factor is as important as the abstract theory, for no amount of methodological logic can guarantee an adequate implementation. There is also the problem of flaws and limitations within the available material itself. To deal with these problems, many checks and revisions are incorporated into the reconstruction process on the practical level. These checks, added to experience and familiarity in dealing with the material, help to ensure accuracy of work procedures. The inadequacies in the actual source material, the newspapers, constitute a more serious problem. To some extent its effects can be minimized by setting out in detail precisely what kind of flaws are inherent in the material, what difficulties are encountered in implementing the methodology, and then by explaining how these problems are resolved. Working the models is as crucial as designing them, and the result of their successful operation is a verisimilar reconstruction of the debates of the Canadian Parliament.

#### Footnotes — Chapter V.

1. The debates of 13 and 16 September 1842 satisfy the criteria of Section A 1, a), b), c), and are therefore used in selection of newspapers. The debates deal with the issue of Governor Bago's reconstruction of the Executive Council in 1842.

2. Unfortunately the microfilm of L'AUORE was not received in time to include it in the selection of papers used for reconstructing the 1841 debates, though it was used for the following years. However, its debates were consulted for 1841 just for reference, and they are very rarely anything more than commentaries on the debates, though often excellent commentaries. The AUORE's parliamentary reporting technique was not designed to give details of what an individual member had said.



3. See CANADIAN NEWSPAPERS ON MICROFILM CATALOGUE, published by the Canadian Library Association as a cumulative report on the state of newspapers on microfilm; see also annual catalogues of the microfilm sold by the Société Canadienne du Microfilm Incorporée.

4. See CANADIAN NEWSPAPERS ON MICROFILM CATALOGUE, "Per I: Canada. Parliament. Debates," which includes a complete copy of the MIRROR OF PARLIAMENT for 1846, a fairly good not excellent account of the debates for 1846, noticeably deficient on speeches delivered in French; and scrapbooks put together from newspapers such as THOMPSON'S MIRROR OF PARLIAMENT, QUEBEC CHRONICLE, TORONTO GLOBE, TORONTO COLONIST, OTTAWA TIMES, TORONTO MAIL, QUEBEC DAILY NEWS, and QUEBEC MERCURY which are supposed to present an account of the debates for the years 1854 to 1874. In fact, the scrapbooks are hastily contrived and give only one newspaper account of each debate, and are not always complete.

5. This programme was designed on the basis of lists of speakers from newspapers reporting the debates of 13 and 16 September 1842. These are the same debates used in an earlier methodological stage to select newspapers for use, as they satisfied the criteria laid down in Section A 1, a), b), c).

6. This report was written by Sir George Williams Computer Programmer Gerry Futterman.

7. Cf. R.G. Collingwood's theory of progress elaborated in THE IDEA OF HISTORY.

8. Kurt Peschel, "Council Chambers of the Great Parliaments," PARLIAMENTARY AFFAIRS, vol. XIV, 1961, p. 530.

## CHAPTER VI :

# METHODOLOGY FOR RECONSTRUCTION : WORKING THE MODELS

### NEWSPAPERS AVAILABLE

When the models elaborated in the preceding Chapter were applied to the available source material, the discrepancies between ideal and real were immediately apparent. These discrepancies were never profound enough to invalidate the procedure or the project, but they do require explanation. The first problems arose with the implementation of the first methodological step, the selection of newspapers as sources for parliamentary reports. After the procedures described in Section A of the methodological model had been strictly applied, the following newspapers were chosen for reconstructing the debates for 1841 : KINGSTON CHRONICLE, BRITISH CALONIST, ST. CATHARINES JOURNAL, MONTREAL GAZETTE, WESTERN HERALD, LE CANADIEN, EXAMINER and BATHURST COURIER. In later years there were many more than eight suitable newspapers available, but in 1841 several newspapers had not yet resumed publication after being suspended during the Rebellions. Others had been permanently silenced. This was particularly true in Lower Canada. In addition, other excellent papers such as the PILOT, LE JOURNAL DE QUEBEC and the TORONTO GLOBE were only founded later in response to the politico/journalistic needs of the new Union régime.<sup>1</sup> Therefore the newspapers used for 1841 are not as varied as those used for the years following, and they do not adequately represent French Canadian interests and perspectives. Nevertheless, they do provide parliamentary coverage wide-ranging enough and competently enough produced to be used to compile a decent reconstruction. In the following table these eight newspapers are described in terms of categories A 2 and A 4 of the methodological model.

The characteristics of the newspapers are described in this tabular format for easy reference. However, the convenience of neat categories is marred by the fact that they are sometimes misleading, and therefore should be explained in more depth than such a table can contain.

The first point to be made is that Canadian parliamentary reporting was "not so much of a science" as its English model.<sup>2</sup> As a result, reporters were often quite unsystematic in their work, in particular about the vehicle they employed to present debates. Inconsistency was so much the key to their policy that none reported exclusively in the third or the first person. The MONTREAL GAZETTE had an even different reporting style. Its third person reporting was usually so far removed

<i>Newspaper</i>	<i>Section</i>	<i>District</i>	<i>Language</i>	<i>Political Orientation</i>	<i>Person reported in</i>	<i>Frequency of Distribution</i>	<i>Completeness of reports</i>
KINGSTON CHRONICLE	U.C.	Seat of Government : Kingston	English	Very moderate Conservative	First, third	Twice weekly, Wednesday and Saturday	Excellent
BRITISH COLONIST	U.C.	Toronto	English	Moderate Conservative	Third	Once weekly, Wednesday	Excellent
N. CATHARINES JOURNAL	U.C.	Niagara Peninsula	English	Moderate Reform	Third	Once weekly, Thursday	Edited by one of BRITISH COLONIST
MONTREAL GAZETTE	L.C.	Montreal	English	Montreal urban Conservative	Third	Six times a week, except Sunday	Brief but good reports
WESTERN HERALD	U.C.	Western District	English	Moderate Conservative farming	Third	Once weekly, Wednesday	Only collated
LE CANADIEN	L.C.	Quebec	French	French Canadian Reform	First, third	Three times a week, Monday, Wednesday, Friday	Good on Lower C
TORONTO EXAMINER	U.C.	Toronto	English	Reform	First, third	Once weekly, Wednesday	Very good
THURST COURIER	U.C.	Bathurst	English	Reform	Third	Once weekly, Friday	Only collated

from the person reported that the result was less an attempt at reporting the speaker's words than presenting an analysis of his ideas within the format of the orthodox third person reporting style. As the table shows, speeches were sometimes reported in the first person. Certain of these speeches must be regarded with the suspicion that they had simply been handed to a willing reporter by the member speaking.<sup>3</sup> Such speeches were invariably polished, corrected and greatly improved. They were not even necessarily recognizable as the speech delivered to the Assembly. Fortunately, the speeches in this category are readily distinguishable because of their exceptionally splendid style, and so they can be viewed with an appropriately inferred suspicion, and used accordingly.

Another category which should be explained is that in which the completeness of each paper's reports is graded. Even papers described as excellent in this respect occasionally omitted entire debates from their parliamentary reports. There were many reasons for these omissions. Sometimes the reporters found debates boring or repetitive, and instead of reporting them they would content themselves with such remarks as, "It would be impossible and impracticable to attempt to give even an outline of the interminable remarks which were made upon the various items as they were brought before the consideration of the House,"<sup>4</sup> and "It is impossible to give you even an outline of the debate, which was exceedingly long and exceedingly tedious."<sup>5</sup> Or reporters might note that "After many hours wasted in reiterating the *pros* and *cons* of former discussion...."<sup>6</sup> a certain division had been taken, or a piece of legislation had been passed or defeated or postponed.

Another reason for omitting debates or parts of debates was that certain speakers were impossible to hear. Denis-Benjamin Viger, for instance, was probably the most unreported speaker in the House; time after time reporters noted that he spoke but that they could not hear him.<sup>7</sup> Even the active parliamentarian Robert Baldwin could not always be heard or understood. One reporter readily admitted this.



M.P.	Origin of Reports	Accuracy	Completeness of paper on microfilm	Amount of commentary on debates, and its usefulness	Average Number of Columns devoted to Assembly Each Issue	Coverage given to Legislative Council
	Original	A	Very	B	6	Seldom
	Original	A	Very	B	5 to 6	Quite regularly
n Hamilton	Copied	A	Very	C plus	5	Very seldom
ain Holmes, Moffatt, R. Ogden	Original	A	Very	A	1½ to an entire page	Occasionally
ohn Prince	Copied	A	Very	C plus	4	Only on special occasions
n Canadians ly, such as Morin, René r, Etienne , D.-B. Viger, Taché	Usually translated except for debates on Lower Canada	A	Very	A minus	4	Only on special occasions
s Hincks	Some original, some copied	A	Very	A	7 to 8	Very regularly and fully
lm Cameron, sometimes m Morris	Copied	A	Very	C plus	4	Irregularly

I take this opportunity of stating, that I have often been prevented from reporting the speeches of both Mr. Baldwin and Mr. Viger, because it is impossible to hear them. They stand with their backs to the reporters' box — and they both speak in a low tone of voice. This, added to, the imperfect pronunciation of Mr. Viger, renders it impossible catch what he says.<sup>8</sup>

From time to time even the most fluent and skilled debaters went unreported. We read that "Mr. Christie spoke in favour of the Resolution but could not be heard in the Reporter's (sic) gallery,"<sup>9</sup> and that "Mr. Aylwin put a question to Mr. Harrison, but from the noise and impatience of the House, we could not catch it."<sup>10</sup>

Another serious problem was that in Canada, the Galleries were often cleared.<sup>11</sup> The exercise of the ancient privilege of "spying strangers" frequently prevented reporters from reporting debates or part of debates. Canadian parliamentary reports are larded with complaints on this score.

The house was cleared so often ... that it is altogether impossible to give any thing connected of (sic) the proceedings. As a garbled statement therefore could be of no service to your readers, I shall merely give you the *on dits* and such cursory remarks, as the occasional and momentary audiences permitted ... would admit of.<sup>12</sup>

Another reporter complained that "As the house monopolized the discussion by closing the doors, no particulars can be given."<sup>13</sup> Another explained that "The house sat in session this day till within a short period of adjournment, with closed doors ; the reporters being excluded, as well as the public, from the proceedings."<sup>14</sup> On the other hand, sometimes the reporters were absent from the House on their own initiative. We are told that "Mr. Dunn ... addressed the House, and we sincerely regret that there was no reporter...."<sup>15</sup> On another occasion "Mr. Baldwin was un-

fortunately not noted down.”<sup>16</sup> Once “the Reporters’ box was deserted during the greater part of the evening.”<sup>17</sup>

Another of the most common reasons for a reporter to omit a debate from his parliamentary report was simply that it was too long to include in the paper’s limited column space. When this was the case, the reporter would usually apologize for not being able to give a detailed report. “The hon. member went at great length into the question, and we regret that our limits forbid our transcribing the whole,” he might say.<sup>18</sup>

The last category in the table which needs to be explained more fully is that indicating whether a paper provided its own parliamentary reports or borrowed them from other papers. The table notes that three newspapers simply copied their reports. The ST. CATHARINES JOURNAL almost invariably printed reports edited from the BRITISH COLONIST, occasionally adding a speech of William Hamilton Merritt’s probably contributed by Merritt himself.<sup>19</sup> The WESTERN HERALD also copied its reports, but apparently preferred to eclecticize rather than to rely on any one paper. Its reports were often collations from widely divergent sources, including papers of very different political persuasion. The BATHURST COURIER was the third paper which contained borrowed parliamentary reports, usually drawn from the KINGSTON CHRONICLE, the MONTREAL GAZETTE, the EXAMINER or the BRITISH COLONIST. In addition to these extracts, however, the COURIER had a parliamentary correspondent named “Watchman” or “Watch ‘Em” who often contributed commentaries, and sometimes Malcolm Cameron and William Morris would send letters exclusive to the COURIER in which they described individual speeches or parliamentary events in general.<sup>20</sup>

These three newspapers, the ST. CATHARINES JOURNAL, the BATHURST COURIER and the WESTERN HERALD, were purposefully included in our selection. The JOURNAL was chosen because it printed faithful reproductions of the BRITISH COLONIST’s reports, and occasionally it can be used instead of the COLONIST which is often very difficult to read. Of course this is done only when the COLONIST is particularly illegible, and only after careful verification to see that there are no omissions in the passages used. The COLONIST is never too illegible to check whether or not the JOURNAL edited its reports. The PERTH COURIER and the WESTERN HERALD were consulted for different reasons. They printed parliamentary reports collated from what we may suppose they considered the best sources available. Thus they provide a kind of check that our reconstruction is not missing out on debates from papers or single issues which have not been preserved.<sup>21</sup>

The other five papers are much more original, though LE CANADIEN usually relied on translating other papers, particularly the KINGSTON CHRONICLE. Apparently LE CANADIEN only made special arrangements to report debates which concerned Lower Canada. When the session first opened, the EXAMINER printed many of its own reports, but later on in 1841 its debates were increasingly copied from the KINGSTON CHRONICLE. The most consistently original, and in most ways the best papers, were the KINGSTON CHRONICLE, the BRITISH COLONIST and the MONTREAL GAZETTE. Each of these had its own reporter, and seldom needed to co-operate with, or copy from another paper. Our selection of newspapers ranges from almost completely original papers to those which merely copied and collated their reports. In addition, it includes gradations within each category which the table cannot describe.

## ORDER OF SPEAKERS

The second step in the methodological model is to establish the order of speakers in each debate. The necessity for carefully preparing lists for the computer has been emphasized. The importance of this aspect of the methodology becomes obvious when the attempt is made to actually put the theory into practice. Often accounts of debates were designed not to give the actual order in which the speakers rose but to summarize their ideas. Usually this was accomplished by categorizing all the *pro* speeches and all the *con* speeches, and dealing with them within these categories. This was a not uncommon reportorial technique; examples of it are plentiful. "A debate ensued. Messrs. Viger, Neilson and Baldwin spoke against the Bill ... Messrs. Harrison, Dr. Dunlop and Hincks spoke in favour of the bill."<sup>22</sup> "Col. Prince, Sir A. Macnab, Messrs. Small, Neilson and Morin, were conspicuous in support of the resolution. Messrs. Thorburn, Merritt, Aylwin, and Hincks in opposition to it."<sup>23</sup> "A long debate ensued on this motion which was resisted by Sir Allan McNab, Mr. Duggan, Mr. Aylwin and Mr. Thorburn, and supported by Messrs. Baldwin, Small, Steele, Williams and Hincks."<sup>24</sup> In all these cases the reporters classified the speeches according to their content rather than the order of their delivery. Each list is therefore almost useless for determining speaking order.

Fortunately, reporters usually presented their material via traditional techniques and the lists of speakers produced by these orthodox methods are easy to use though there are certain exceptional cases. For example, a debate was reported in the KINGSTON CHRONICLE, 10 July 1841, in the BRITISH COLONIST, 14 July 1841, and in the WESTERN HERALD, 21 July 1841. This same debate was also reported by the MONTREAL GAZETTE of 9 July 1841. However, the GAZETTE's lists of speakers, consisting only of three Lower Canadian members, does not coincide with any of the other reports. Therefore it is impossible to determine the probable speaking order by following the usual procedure of merging all the lists. Instead, all the lists except the MONTREAL GAZETTE's were merged, and a list produced. The GAZETTE's list was simply appended to the other. There is no internal evidence to either justify or invalidate this list; it is purely arbitrary.

There is one last point in the procedure for establishing speaking order which should be further explained. This is the part dealing with remarks interjected into speeches, and usually reported in only a few papers. These interjections, usually placed within another man's speech in parentheses, are a common feature of parliamentary reporting. In the reconstructed debates, the parentheses are usually omitted and the remarks stand as a regular part of the text separate from the speech they interrupted. Their author is identified whenever possible. This format is used because according to our methodology, all words spoken in the House in the course of a debate are judged to be a legitimate part of that debate.<sup>25</sup> Only such interjections as "hear, hear," and "no, no," are left in parentheses within a speech because in traditional parliamentary reporting, "hear, hear," and "no, no," are used to describe the mood of the House and are seldom transcripts of members' actual remarks. Therefore they are different from other interjections. In rare instances, too, interjections are reported outside of their context and in such a way that they cannot be inserted in the text. Then they are included in footnotes instead.<sup>26</sup>



## SELECTING AND FOOTNOTING TEXTS

In section F of the methodology, five models for texts were given, and the various footnoting techniques were described. In practice, when the models are applied to newspapers texts, certain discrepancies between theory and reality appear. The first of these involves identical speeches. These do not really exist in the newspapers. The borrower always made small alterations as he transferred the words from one paper to his own. Nevertheless we treat reports as "identical" if the words are almost identical, though the punctuation, paragraphing and capitalizing may be somewhat different. For example, we describe debates in the KINGSTON CHRONICLE of 15 September 1841 and the MONTREAL GAZETTE of 17 September 1841 as identical though the GAZETTE's opening remarks read : "I take this opportunity of stating, that I have often been prevented from reporting the speeches of both Mr. Baldwin and Mr. Viger because it is impossible to hear them," and the KINGSTON CHRONICLE's version begins : "We take this opportunity of stating that we have often been prevented...."

Even when this problem of definition has been resolved, another crops up. It is often difficult to determine the original source of identical reports. Wherever the common source is known, it is given in a footnote. When it is merely inferred, the inference is explained and the supporting evidence is presented. In cases where the source is not given and there is not sufficient evidence to make any inferences, the only fact noted is that reports are identical. Of course the methodological model nowhere mentions the inference-making process. The model was designed primarily as a scientific tool, whereas inferring information is one aspect of reconstructing the debates which cannot be governed by rigidly defined rules. In addition, all inferred information is given only in footnotes ; it is a valuable supplement to the reconstruction rather than an essential part of it. The validity of each inference may be judged on the basis of the evidence available, and the reasoning applied to that evidence, and may then be used accordingly.

It has already been stated that there are no absolute rules for inferring one fact rather than another. However, there are guidelines. For example, the original source of identical reports is not necessarily that newspaper which first published the report. There are several other possibilities. Two reports could have been copied from a third report which is no longer extant. Reporters could have collaborated. Seat of Government papers, being the most favourably located, could often be issued first though they were not necessarily the original or sole source for the reports they contained. Each of these alternatives was at one time or another the correct explanation. An example of how one conclusion rather than another is inferred from the evidence is drawn from a debate on taxing imported produce, which took place on 4 September 1841. This debate was reported by the BRITISH COLONIST and the KINGSTON CHRONICLE, both issued on 8 September 1841. The KINGSTON CHRONICLE contained only four speeches. Of these, one was identical to a speech in the BRITISH COLONIST ; one was identical but longer ; two others were not reported by the BRITISH COLONIST at all. In this case the evidence indicates co-operation between the reporters of the CHRONICLE and the COLONIST.

Another example is the debate on the Bank of Issue which occurred on 3 September 1841. This debate was reported by the EXAMINER, 8 September, LE CANADIEN, 8 September, the BRITISH COLONIST, 8 September, the KINGSTON CHRONICLE, 8 September, the MONTREAL GAZETTE, 10 September, and the

EXAMINER, 15 September. The KINGSTON CHRONICLE, MONTREAL GAZETTE and the EXAMINER all contained identical reports of this debate which they misdated Saturday 4 September instead of Friday 3 September. The EXAMINER copied its report from the CHRONICLE, using only thirteen speeches and omitting the rest. The CHRONICLE and the GAZETTE reported the same number of speeches, and the speeches were usually identical, except that occasionally one speech was shorter in one paper. Sometimes the CHRONICLE had a longer version of a speech, sometimes the GAZETTE. Also, the order of speakers was not quite the same in the two papers. The reason that some, but not all, the speeches are identical, is probably that the reporters from the two papers co-operated by taking turns copying speeches and taking notes during their lunch and break periods, and worked independently at other times. The possibility exists that one paper merely copied its report from the columns of the other as was frequently the case.<sup>27</sup> However, in this specific instance all the evidence indicates that co-operation between reporters is the reasonable explanation. The other alternative is that only one reporter handled the entire debate, but this is not likely because the debate was one of exceptional length and the usual alignments of reporters and newspapers militates against that possibility. There is a final possibility, the idea that the different reporters coincidentally reported certain speeches in identical words, but this is not even seriously considered because in non-verbatim reporting it is so unlikely as to be impossible.

Sometimes it is impossible to infer anything from the evidence. For example, the EXAMINER and the BRITISH COLONIST, both of 25 August 1841, reported a debate on the Upper Canada District Council Bill very similarly except that the EXAMINER reported Cartwright's speech differently, and listed only Cartwright, Buchanan and Hincks as speakers. The probable explanation for this is not readily suggested by the information available. Consequently the facts are stated, and no attempt is made to draw any conclusions from them.

Probably the most important and most copied source for parliamentary reports in 1841 was the KINGSTON CHRONICLE. For example, a debate on the Administration of Justice in Gaspé, of 7 July 1841, was reported by the MONTREAL GAZETTE, 20 July, the EXAMINER, 14 July, and LE CANADIEN 16 and 19 July. All these reports were identical to each other and to the KINGSTON CHRONICLE of 10 July. In this particular instance the evidence indicates not co-operation, but rather copying from one source. This conclusion is based on the evidence described, on the fact that the EXAMINER and LE CANADIEN were in the habit of copying from the CHRONICLE, and on the assumption that the MONTREAL GAZETTE, a daily, would not have waited so long after the event to publish a report its reporter had either reported or helped to report.

### JOURNALS : RULES AND REGULATIONS

The resolution of the problems of selecting and collating texts from newspapers is by no means the final stage of the reconstruction. The next step is to integrate the texts into the JOURNALS in the most appropriate way. This integration is somewhat complicated because the JOURNALS did not refer to the debates through which legislative decisions were made. The JOURNALS were designed only to describe the official proceedings of the House, the results as opposed to the intermediate stages of the deliberative process. Consequently the RULES AND REGULATIONS of the Assembly assume an immediate and direct importance for this pro-



ject because they dictate the procedure followed in Parliament as well as the format of the JOURNALS.<sup>28</sup> The JOURNALS are the unchanging framework within which the collated debates are integrated and so it is essential to know what rules determined their format and content.

For the first few days of its life the Union Parliament struggled along without any official rules until "the obstructions by which the regularity of the house was continually interrupted in the absence of rules for its guidance...."<sup>29</sup> convinced the members to adopt the RULES AND REGULATIONS of pre-Union Lower Canada as a temporary expedient. At the same time a Committee was established to recommend rules appropriate for the new regime. On the 19th of June the new rules and regulations were ordered printed.<sup>30</sup> Those rules governing the JOURNALS and debates which are pertinent to the collated work are outlined, and their effects on the reconstruction of the debates are explained.

In general, the JOURNALS were supposed to record all legislative activity incorporated into formally worded motions and resolutions. The format was the traditional format of all the colonial JOURNALS. The RULES AND REGULATIONS added other instructions, some of which directly affected the debates.

The first important point involves divisions. Divisions were not to be recorded in the JOURNALS unless two members so requested.<sup>31</sup> This is quite understandable; in the English Parliament divisions were systematically and automatically recorded only in 1836.<sup>32</sup> As a result of this policy we are often dependent upon newspapers for this information about divisions. However, complete and accurate division lists were very difficult to report, as the reporters constantly explained to their readers. "This ... was carried — yeas 31, nays 14. — As the yeas and nays were not taken we are unable to give all the names of the majority, but as the House remained divided for some time, we jotted down the minority, which we publish as an act of justice to those gentlemen...."<sup>33</sup> Another reporter wrote "We regret the yeas and nays were not taken, that the country might know who the opponents of the Bill are."<sup>34</sup> The newspaper division lists were not very reliable. When the same divisions happened to be included in the JOURNALS there were often discrepancies between the two accounts. These should probably be attributed to errors on the part of the reporters. The House Clerk had better facilities for making his records and so presumably made correspondingly fewer errors.

There is one last point to be mentioned about divisions. Sometimes newspapers did not give the complete division but merely provided commentary about it. This commentary is included in our footnotes. For example, the EXAMINER reported that on one issue "It may be proper to observe that Mr. Parke subsequently declared that his vote had been given in consequence of an informality in the resolution which was afterwards amended, and that he was in favour of it."<sup>35</sup> Wherever possible the JOURNALS are supplemented in respect to divisions, but this additional information is often unreliable and should be used cautiously.

The JOURNALS must also be heavily supplemented by newspaper reports in the area of private bills and petitions. Private bills introduced by petition could not be presented in printed form.<sup>36</sup> Therefore most petitions, unless they were singled out for study by a Committee, were identified in the JOURNALS not by content, but by the name of their authors and the members presenting them. As a consequence, information about petitions is sometimes scarce. Reporters had to rely on their hearing to describe most of the material, having no printed copy to consult. They frequently made errors when they described petitions, and even more frequently they omitted information.



A third subject which was not recorded in the JOURNALS was notice of motions and resolutions to be proposed, questions to be asked, and documents to be requested from government officers. Twenty-four hours notice was required, and apparently this rule was broken only when the Executive agreed.<sup>37</sup> When members gave this notice of their legislative intentions, only the newspapers noted the event. In the case of questions and answers, neither the notice nor its implementation were recorded in the JOURNALS.

One of the most significant rules governing the format of the JOURNALS concerns the widest field of all, motions. Before being debated or put, motions had to be submitted in writing and seconded, minus their preambles, then read in English and French by the Speaker. Once a motion was read, it was in the possession of the House. However, with the House's permission, it could be withdrawn or amended.<sup>38</sup> Practically, this meant that withdrawn motions, even those which had engendered lengthy debates, do not appear anywhere in the JOURNALS. Similarly, amended motions are recorded only in their new forms. In all these cases, the reconstructed debates are dependent upon newspaper accounts to fill in a great many of the *lacunae* left in the JOURNALS' account of legislative proceedings.

There is one last point to be noticed. The hour and members present at adjournment were noted only when a quorum was lacking.<sup>39</sup> Therefore in the case of normal sittings this information is not available unless a newspaper happened to give it.

The few RULES AND REGULATIONS discussed above affected the format of the JOURNALS. However, for the most part these RULES AND REGULATIONS dealt with actual parliamentary procedure. The rules which help to explain the reconstructed debates and rules which created problems for parliamentary reporters are discussed. To begin, the House was supposed to meet at two in the afternoon.<sup>40</sup> This rule was disregarded, however, and sittings often began at ten in the morning and continued until late into the night. These protracted sittings made the reporters' task more difficult since Canadian reporters worked individually and had to make private arrangements for relief, or else had to omit material whenever they could not be present in the House. Another frequently practiced rule permitted members to exercise their traditional privilege of having the Galleries cleared whenever any individual member so desired.<sup>41</sup> This meant that reporters were arbitrarily excluded from the House whenever a member "spied strangers". The consequences of empty Galleries on parliamentary reports have already been discussed in detail.

Several rules outlined how members must conduct themselves during debates. Members were to speak more than once on a question only when it was considered essential that they explain misconceptions arising from their original speech.<sup>42</sup> They were not permitted to present new material in a second speech. They were also forbidden to interrupt each other.<sup>43</sup> In practice, however, both these two rules were often enough broken, and were lapses from parliamentary propriety on the part of members and not errors in reporting. Another rule governing conduct in debate was that only in Committee of the Whole House were members permitted to speak more than once on a question. This was the sole exception to the rule that ordinary House rules obtained in Committees of the whole House as well as in the House.<sup>44</sup>

A brief outline of certain other rules explains the most important features of Canadian parliamentary procedure, and also makes the reconstruction easier to understand and to use. Aid and supply bills always had to be adjourned to the Committee of the Whole House, whose opinion had to be taken before any resolution or vote could be passed.<sup>45</sup> All public bills had to be introduced by

motion to leave, specifying the title of the bill, or introduced by motion to appoint a Committee to prepare and bring in the bill, or by an order of the House on the Report of a Committee.<sup>46</sup> No bill was to be committed or amended until it had achieved second reading,<sup>47</sup> and except for emergencies each of a bill's three readings was to occur on different days.<sup>48</sup> Members introducing a bill, motion or petition on a subject were automatically to be included on any Special Committee appointed to study that subject.<sup>49</sup> The last rule of interest for this project was that orders of the day took priority over all other motions before the House.<sup>50</sup> The above are the most important of the rules regulating the daily proceedings in the House. The next step is to explain how, in view of the JOURNALS' format and the rules of debate and procedure, the reconstructed debates are integrated into the JOURNALS' text.

### INTEGRATING TEXTS

Distinguishing the two different texts is simple; the left margin of each reconstructed text is always printed an inch to the left of the text from the JOURNALS. The difficulties arise in the physical integration of these texts with each other. The JOURNALS of 1841 only once record that "debates arose" upon a motion.<sup>51</sup> In that one case, of course, it is a simple thing to integrate the reconstructed debates into the JOURNALS. Otherwise the JOURNALS seldom provide the format for a graceful transition. The criteria for integrating collated debates into the official text are three: 1) that the resulting text be as clear as possible; 2) that the JOURNALS remain unaltered; and 3) that repetitious and distracting explanatory information be eliminated. The third point is important because the texts of the official JOURNALS and the reconstructed debates must be distinguished from each other; to make a third distinction for a category including commentaries and explanation would be far more confusing than helpful. These are the general guidelines. Specifically, there are six common formats in the JOURNALS into which the debates are routinely integrated. Each of these formats is described below.

The first of the JOURNALS' usual formats describes the proceedings of the House in Committee of the Whole. As prescribed in the RULES AND REGULATIONS, Mr. Speaker appoints a Chairman to replace him as arbiter of the House. The JOURNALS usually describe this by noting that:

The Order of the day for the House in Committee to ... being read,  
The House accordingly resolved itself into the said Committee.  
Mr. X took the chair of the Committee, and after some time spent therein,  
Mr. Speaker resumed the chair.<sup>52</sup>

The reconstructed debate is inserted between the phrase "Mr. X took the chair of the Committee" and "after some time spent therein", because the debate began after the Chairman replaced Mr. Speaker, and it concluded when after "some time" of unspecified length Mr. Speaker again resumed his normal House duties.

When a Resolution was made, the JOURNALS usually read:

On motion of Mr. X, seconded by Mr. Y.

*Resolved* — That....

*Ordered* — That....<sup>53</sup>

In this format, the debate is inserted between the "*Resolved*" and the "*Ordered*". This is a format which lends itself to having debates collated into its text.

Resolutions were also recorded in two other, more difficult, formats. The first one reads :

On motion of Mr. X, seconded by Mr. Y,

*Resolved* — That....<sup>54</sup>

The debate is added onto this Resolution because the text is more easily understood if we know the actual wording of the motion which engendered the debate.

Similarly, when the entire text says only that

On motion of Mr. X, seconded by Mr. Y,

*Ordered* — That....<sup>55</sup>

Here the debate is also added after the Resolution agreed upon is described. In these two cases the format of the JOURNALS is particularly unsuitable for gracefully collating debates into its text.

The sixth common format presents no such problems. It reads :

Mr. X moved, seconded by Mr. Y,

That....

The question being then put upon the motion, it was agreed to ((or negatived)) by the House.<sup>56</sup>

The text reads easily after the debate is inserted between the description of the motion and the division on it.

These six models are the most common in the JOURNALS. All other formats which do not fit into these six categories are decided individually. The principles upon which each such decision is based have already been elaborated. The JOURNALS must not be altered in any way ; each debate should follow very clearly from the official text ; and distracting explanatory material should be eliminated as much as possible. Eliminating such material may lead to some awkward transitions between the text of the JOURNALS and the collated debates. More significantly, it also achieves a very important goal. It avoids confusing any reader who is familiar with those RULES AND REGULATIONS which describe relevant procedural matters and the format of the official JOURNALS. Of course it is not always possible to exclude material from newspapers though it duplicates material in the JOURNALS. Sometimes excising such material produces a text which is too truncated to be easily understood.

#### FOOTNOTING TECHNIQUES

The technique for footnoting the collated debates is another point which should be discussed in some detail because the footnotes do more than identify the sources from which material is drawn. The footnotes also explain any variations in the methodology, and give certain details useful for understanding the debates. There are five main rules for footnotes. 1) The transcribed text of each speaker's words is identified. When alternate texts are presented, the sources for each text are given. When a single speech has been reconstructed from reports in more than one news-



paper, the source of each specific portion of the speech is identified. Whenever possible the individual reporter is also identified : for example, Henry Fowler, publisher of the *MIRROR OF PARLIAMENT*, was named as the reporter of the *KINGSTON CHRONICLE*'s debates of 10 July 1841. However, reporters were rarely mentioned by name, and it is only for later years that information about individual reporters on each paper is available.<sup>57</sup> 2) All alternate sources which have been consulted but not selected are noted, except for those papers which relied upon copying the *JOURNALS* for their account of a day's proceedings. 3) Commentaries on the debate in question are noted. In cases where such commentaries furnish material of exceptional interest, they are transcribed verbatim rather than merely indicated as items for possible reference. 4) The footnotes include any additional information explaining the methodology adopted to deal with situations which do not conform to any of the models described. 5) One of this project's fundamental assumptions is that the *JOURNALS*' account of proceedings was correct though not necessarily complete. However, there are occasional discrepancies between the *JOURNALS* and newspaper reports. These discrepancies are always noted. For example, sometimes the names of movers and seconders are different in the newspapers and the *JOURNALS*. In these cases the names cited by the newspaper are listed in a footnote.

### SUBJECTIVE MATERIAL

The methodology has been designed to produce the most objective and verisimilar account of the debates possible. However, the objectivity of the methodology applies only to the process of selecting materials. It cannot always deal with the subjectivity inherent in certain material by simply omitting it, because sometimes this subjective material is all the information that exists about a certain debate. In addition, sometimes it is also constructed in such a way that it is impossible to excise its subjective elements. There are several types of this sort of subjective material. For example, we read on page 522 of the *JOURNALS* for 1841 that "At half past 10 o'clock at night, Mr. Speaker adjourned the House for want of a Quorum." This account is very uninformative compared with the newspaper report that "Messrs. Aylwin and Cameron now got extremely disorderly — many took advantage of this, and slipped off, leaving the House without a quorum...."<sup>58</sup> This is unquestionably a subjective piece of reporting, but it should be included in the text for its informational value. At the same time, it has to be included just as it is cited above, because if it is ellipsized it will no longer make sense.

Another common type of subjective report resulted from the reportorial habit of noting that a certain member had spoken, but giving little more than innuendoes rather than factual details about the substance of his speech. The *BRITISH COLONIST* used this technique more often than any other Canadian paper in 1841. For example, a speech of Mr. Baldwin's "was a repetition of former disagreeable excrescences on the bill....";<sup>59</sup> "Mr. Viger went on in his old strain about opposition, tyranny, injustice, robbery,";<sup>60</sup> "Mr. Draper very composedly swept away the whole fabric, which had been set up in opposition to the bill....";<sup>61</sup> "Mr. Berthelot bawled and tired the patience of the house as usual,";<sup>62</sup> "Some angry personalities were bandied, and some hints given to Sir Allan McNab, of his seeking after popularity at a sacrifice, perhaps, of some little principle,";<sup>63</sup> "After many wearying repetitions of former opinions, and a confused discussion....";<sup>64</sup> "Suffice it to say that Sir Allan was as bitter as ever, in his attempts to obstruct the bill which Col. Prince defended....";<sup>65</sup> "Mr. Attorney-General Ogden spoke to the Re-

solutions, and contributed not a little to the impaling of that unfortunate gentleman, Mr. Baldwin."<sup>66</sup> As much of the biased material is omitted as can be without ruining the sense of the speech; what remains must be used in the same way as any other subjective material.

Another reporting technique which often injected subjective elements into otherwise objective reports was the custom of reporting in the third rather than the first person. This necessitated introducing each speaker's words as having been "said", "stated", "remarked", "objected", and the literary consideration that each speaker be introduced by a different word led to much subjectivity. For example, "Mr. Neilson explained....";<sup>67</sup> "Mr. Buchanan thought....";<sup>68</sup> "Mr. Hale observed that....";<sup>69</sup> "Dr. Kimber's remarks were chiefly directed against....";<sup>70</sup> "Mr. Sherwood concurred with....";<sup>71</sup> "Mr. Hincks could not agree....";<sup>72</sup> "Mr. Boswell hoped....";<sup>73</sup> "Mr. Durand here rose to correct any impression that might have been formed from the vote...."<sup>74</sup> This need to introduce each text individually led inevitably to the introduction of the reporter's personality into his report. This is always one of the many disadvantages of third person reporting. Occasionally a reporter attempted to avoid such connotative introductory words though he continued to report in the third person. Then he usually resorted to rather ambiguous language such as "Mr. Moffatt had heard a great deal about responsible government."<sup>75</sup> Of course we can infer that Mr. Moffatt's actual words were "I have heard a great deal about responsible government," or words to that effect, but we cannot be certain, and so we cannot reword the speech.

There was another common reporting technique in which emotionally slanted material completely replaced factual data. For example, "This roused again some of those susceptible gentlemen, who have taken upon themselves the sole charge of our free existence."<sup>76</sup> Only by leaving in this very biased report can we tentatively identify which speakers spoke next; experience tells us whom the BRITISH COLONIST would describe in this way. Similarly, "Some warmth of feeling was exhibited between some of the Bankers—".<sup>77</sup> This too is a less than objective account of the proceedings, yet only by leaving it intact can we identify the KINGSTON CHRONICLE's Bankers. In the collated work these slanted and emotionally charged reports are easily spotted. Consequently, once the reason for including them is clear, it is possible to derive maximum use of them while judging them on the same basis as any other biased document.

## APPENDICES

The Appendices to each day's proceedings are entirely supplementary to the JOURNALS and must be carefully explained. Nothing in the Appendices is recorded in the JOURNALS. The content of the Appendices is threefold: 1) notices of proposed motions, petitions, bills; 2) the debates on withdrawn motions; and 3) questions and answers. Substantial parts of the Appendices consist of notices of proposed measures. Debates on withdrawn motions are much more interesting because they appear nowhere in any official record, whereas the measures of which notice was routinely given appear later in the JOURNALS as a normal part of the legislative activity. However, debates on withdrawn motions were often fully reported in the newspapers. The reporters did not know until the actual event that a motion would be withdrawn and so their accounts of the debate were already prepared when the motion was withdrawn or ruled out of order. Their newspapers usually



printed the debates on these aborted motions as fully as any others, provided they had been interesting. Under any circumstances, newspapers had little inclination and no time to edit their reporters' notes, and so in the final analysis it was the reporter who determined what reports were published. After painstakingly recording a debate, no reporter would care to toss his notes away just because the original motion had been withdrawn or overruled.

The third category in the Appendices is for questions and answers. "Of all British parliamentary devices, Question Time has probably been more praised than any other," writes one parliamentary expert.<sup>78</sup> Despite their importance, questions and answers were not recorded in the JOURNALS unless they were incorporated into a formal motion or address. All questions and answers reported in the newspapers are included in the Appendix for the appropriate day.

### MISCELLANEOUS DATA

Finally, certain small and miscellaneous technical points should be explained. 1) The spelling of speakers' names at the opening of each individual speech has been standardized, and each name is printed in bold face type.<sup>79</sup> Changes from the spelling in the newspaper cited are not noted. The names most commonly misspelled in newspapers are McNab, Macnab, M'Nab instead of MacNab; Johnson instead of Johnston; Simson instead of Simpson; Doran instead of Durand; and Vigar instead of Viger. All spelling of names within a speech is left unchanged, however. 2) Whenever a speaker is noted as having delivered his speech in French or in English, this fact is noted. For example, "Mr. Turcotte (En Français)...."<sup>80</sup> and "Mr. Viger, (*in French*),...."<sup>81</sup> whether or not there exists a report of the speech in the language of delivery. 3) A system of double pagination is used in this work. The page numbers in parentheses on the left-hand side refers to the page of the JOURNALS while the right-hand number is our own. 4) Three of the newspapers are referred to in abbreviated form, the KINGSTON CHRONICLE AND GAZETTE as the KINGSTON CHRONICLE, the WESTERN HERALD AND FARMER'S MAGAZINE as the WESTERN HERALD, and the ST. CATHARINES AND PORT ROBINSON JOURNAL as the ST. CATHARINES JOURNAL. 5) The various parentheses used in the newspapers are represented in our text by ( ). 6) Double parentheses always contain our own comments, explanatory notes or suggestions. Only the word "sic" is contained within single parentheses. 7) When we must interpolate a word for the sake of clarity, we stay as close as possible to the usual style of the newspaper.

The style and methodology in even the most minute aspects have been designed to achieve the goal of a verisimilar account of the debates of the Legislative Assembly. The texts are unaltered; even grammatical and spelling errors remain uncorrected. One reason for this decision to sacrifice style to fidelity was that the reader can best use his own judgment if he has the original material before him. He can then decide how to use the material: he can reproduce it exactly; or he can edit it and improve upon its style in whatever way he judges most appropriate. The editing in this work was minimal and was never imposed for purposes of literary style, but only to render collated passages less disjointed, truncated and confusing. The criterion was never that a passage was awkwardly phrased, but rather that it was incoherent. For example, even the habitual tense changes were never altered to make them consistent so that not infrequently speakers in one debate are each reported



in a different tense. In one fairly typical debate, "Sir Allan McNab thinks" while "Captain Steele said" and "Mr. Cooke had opposed".<sup>82</sup> The real editing occurred in the earlier stage of the work, when the passages here reproduced as the reconstructed debates were selected. Therefore all elegancies of language are gratuitous, and such texts were invariably selected for content and not for their felicity of expression.

Footnotes — Chapter VI.

1. For instance, LA MINERVE was suspended from 20 November 1837 until it was again published in September 1842. The PILOT was founded 5 March 1844; LE JOURNAL DE QUEBEC was founded 1 December 1842; the TORONTO GLOBE was founded 2 May 1844.
2. SELECT COMMITTEE ON PARLIAMENTARY REPORTING, 1878, Question 2018, p. 149 (157).
3. IBID. Sir John Rose remarked that "Although there is a rule that no written speeches shall be received, and that the sense shall not be altered, yet I am afraid that it is very frequently broken...."
4. KINGSTON CHRONICLE, 11 September 1841.
5. MONTREAL GAZETTE, 11 September 1841.
6. BRITISH COLONIST, 28 July 1841.
7. For example, MONTREAL GAZETTE, 17 September 1841; KINGSTON CHRONICLE, 3, 10 July 1841; BRITISH COLONIST, 14 July 1841, which commented upon Viger's "still small voice"; IBID., 30 June 1841.
8. MONTREAL GAZETTE, 17 September 1841.
9. KINGSTON CHRONICLE, 11 September 1841.
10. MONTREAL GAZETTE, 8 September 1841.
11. SELECT COMMITTEE ON PARLIAMENTARY REPORTING, 1878, Question 2016, p. 149 (157).
12. BRITISH COLONIST, 18 August 1841.
13. IBID., 25 August 1841.
14. IBID., 14 July 1841.
15. KINGSTON CHRONICLE, 28 August 1841.
16. BRITISH COLONIST, 21 August 1841.
17. KINGSTON CHRONICLE, 21 August 1841.
18. IBID., 4 September 1841.
19. See for example ST. CATHARINES JOURNAL, 30 September 1841, reporting a debate of 8 September. The JOURNAL alone of the papers dealing with this debate reports Merritt's speech, and furthermore, it is the only one of its speeches reported in the first person. It is on the basis of these facts, plus Merritt's known connection with the paper, that we are justified in suspecting that Merritt himself wrote up this elegant and eloquent speech for his constituents, and presented it to them via the JOURNAL.
20. For example, Cameron wrote a letter to the Editor of the BATHURST COURIER, dated Kingston, August 28, 1841, discussing the content of a speech he had made in the Assembly.
21. For example, in its issue of 6 October 1841, the WESTERN HERALD copied an excellent parliamentary report from the TORONTO HERALD, which is no longer extant. Therefore it is only because we used the WESTERN HERALD that we now have a copy of the TORONTO HERALD's report.
22. EXAMINER, 15 September 1841.
23. BRITISH COLONIST, 1 September 1841.
24. EXAMINER, 1 September 1841.
25. This rule was followed by the best parliamentary reporters such as Dickens: in his day "Everything was recorded ... even to the parenthetical interruptions and *mouvements de salle*...." Carlton, CHARLES DICKENS: SHORTHAND WRITER, p. 89. However, the principle of HANSARD is different. What is not permitted in the RULES AND REGULATIONS is more or less considered to have not happened, and is accordingly expunged. Wilding and Laundry, AN ENCYCLOPEDIA OF PARLIAMENT, p. 283, report that "Descriptive comments such as 'prolonged applause' or 'ironical cheers' (which frequently appear in press reports) are totally banned. A simple comment such as 'laughter' is admissible if referred to by a member in the course of a speech."

26. For example, the following interjection from the *BRITISH COLONIST*, 4 August 1841, is put into a footnote rather than the text. "The cries 'go ahead' 'Walker', 'I wish you may get it,' and various other encouraging exclamations so interrupted the smoothness of the hon. gentleman's yarn, that.... he might have given up in despair all hope of joining it together." It was reported in such a way that it could not be integrated properly into the text of the interrupted speakers' words.

27. Usually papers acknowledged their sources; however, there were some cases where they did not do so. The *PILOT*, 19 March 1849, complained that "some of our Upper Canada contemporaries have been in the habit of stealing our Parliamentary reports ... without a word of acknowledgment. One leading journal in particular, that really ought to know better, has been guilty of this offense. As we have all the trouble and expense of preparing these reports, we think they might at least give us credit for them."

28. The *RULES AND REGULATIONS FOR THE GOVERNMENT OF THE LEGISLATIVE ASSEMBLY* are found in the *JOURNALS* for 1841, 19 June 1841, pp. 40-48, or in the P.A.C. Pamphlet 1815, printed by G. Desbarats and T. Cary in Kingston, Upper Canada.

29. *BRITISH COLONIST*, 23 June 1841.

30. *JOURNALS*, 19 June 1841, p. 48.

31. Rule #35.

32. The very first division printed was on 23 March 1553-54. The first known account of Division Procedure was in Sir Thomas Smith's *DE REPUBLICA ANGLORUM* of 1581. It has not changed substantially since. See Leslie Wolf-Phillips, "Parliamentary Divisions and Proxy Voting," *PARLIAMENTARY AFFAIRS*, vol. XVIII, 1964-65, p. 416; Richard A. Chapman, "The Significance of Parliamentary Procedure," *PARLIAMENTARY AFFAIRS*, vol. XVI, 1962-63, p. 179, footnote 2. An example of how a division was taken in the Commons on 4 July 1820 is found in A. Aspinall, "Extracts from Lord Hatherton's Diary," *PARLIAMENTARY AFFAIRS*, vol. XVII, 1963-64, p. 20. "Mr. Chetwynd ... was appointed Teller for the Ayes, and Mr. Gilbert for the Noes. When all the Members in the House walked to the left side he refused to take a stick and count, but the Committee, which seemed to think he was assuming and pertinacious, insisted and made him examine the Gallery and look behind the Speaker's Chair, and then come up to the Table and inform the Clerk that 'The Ayes were none'. They then made him count the 50 or 60 members on the left side, which he did with gestures of repugnance and shame which made us all die with laughter."

33. *KINGSTON CHRONICLE*, 15 September 1841.

34. *MONTREAL GAZETTE*, 14 September 1841.

35. *EXAMINER*, 8 September 1841.

36. Rule #60.

37. *KINGSTON CHRONICLE*, 7 July 1841.

38. Rule #39.

39. Rule #3.

40. Rule #1.

41. Rule #19.

42. Rule #17.

43. Rule #13.

44. Rule #33.

45. Rule #47.

46. Rule #50.

47. Rule #51.

48. Rule #52.

49. Rule #78.

50. Rule #81.

51. This occurred on the first day of the United Parliament, 14 June 1841, *JOURNALS*, p. 2. It is the only instance in 1841. One of the few times that the *JOURNALS* include members' actual words occurs on pp. 166-167. It comes in the form of a dissentient on the part of Mr. Christie from a Report on the Gaspé Fisheries Bill. "(Mr. *Christie* dissents from that part of the report which attributes the falling off, of the Salmon Fishery, to the practice of using stakes:— This is not the fact, — the Salmon Fishery cannot, in the *Ristigouche*, be carried on without the use of stakes. — In other respect (sic) he agrees with the report.)"

52. For example *JOURNALS*, 3 September 1841, p. 484, House in Committee on Usury Bill.

53. For example *JOURNALS*, 19 July 1841, p. 203, Address to His Excellency for a Statement of Suits in Chancery.

54. For example *JOURNALS*, 2 August 1841, p. 271, Time for Considering Contested Election of County of St. Maurice Postponed until Thursday, 12 August 1841.

55. For example JOURNALS, 3 August 1841, p. 277, Petition of Bernard Smith and Others Referred.

56. For example JOURNALS, 6 September 1841, p. 495, Motion for Address to His Excellency to Appoint a Comptroller of Customs.

57. For example, when reporters were identified by name as employees of specific newspapers in petitions, such as that presented by Hamilton Hunter and others, on 18 October 1842 ; and again in 1850, for example, when the reporters banded together and presented Resolutions to the Assembly ; PILOT, 23 July 1850, and 6 August 1850. However, reports were not signed, and so at best authorship of debates can only be inferred or assumed. Colin Seymour-Ure, in "The Parliamentary Press Gallery in Ottawa," PARLIAMENTARY AFFAIRS, vol. XVIII, 1964-65, p. 36, comments that : "The Gallery was already in existence at the time of the Canadian Confederation in 1867, though almost nothing is known about it before then."

58. MONTREAL GAZETTE, 13 September 1841.

59. BRITISH COLONIST, 25 August 1841.

60. IBID., 11 August 1841.

61. IBID.

62. IBID.

63. MONTREAL GAZETTE, 17 July 1841.

64. BRITISH COLONIST, 14 July 1841.

65. IBID.

66. MONTREAL GAZETTE, 26 June 1841.

67. KINGSTON CHRONICLE, 23 June 1841.

68. IBID., 26 June 1841.

69. IBID.

70. BRITISH COLONIST, 30 June 1841.

71. IBID.

72. KINGSTON CHRONICLE, 26 June 1841.

73. IBID.

74. BRITISH COLONIST, 30 June 1841.

75. IBID.

76. IBID.

77. KINGSTON CHRONICLE, 15 September 1841.

78. Peter Bromhead's book review of D.N. Chester and Nona Browning's QUESTIONS IN PARLIAMENT, found in PARLIAMENTARY AFFAIRS, vol. XV, 1961-62, p. 245.

79. The correct spelling of member's names is not necessarily that given in the JOURNALS. For example, Dr. Thomas Bouthillier spelled his own name with an "h" between the "t" and the "i" but the JOURNALS spelled his name "Boutillier".

80. LE CANADIEN, 11 August 1841.

81. KINGSTON CHRONICLE, 16 June 1841.

82. IBID., 24 July 1841.



## CHAPTER VII :

# INTEGRATING PARLIAMENT AND PARLIAMENTARY PRESS

### THE CANADIAN HANSARD 1841

The reconstructed debates are much more than the product of explicitly detailed and minutely analysed methodological stages. Fundamentally, they are the joint product of the Assembly and of the newspapers. They are the records of the "talking place" modified by physical circumstances and shaped by the Canadian journalistic tradition. To present the reconstructed debates in a modern format, to contain them within the same framework as modern HANSARD's differently conceived verbatim reports, would be to remove the fact from its context, to separate the inseparable, and to render it meaningless in the process. The intimate relations of our Parliament and our Press produced the parliamentary reports; our editing of these reports involves only combining different reports, never sculpting them for false presentation as debates-as-delivered. In our format the reporter is as much present as the speaker he serves; his role in the process is never forgotten. Our format, lacking in felicity of style, easy transitions and consistency, is a constant reminder of what the parliamentary debates are, and this format is the proper one and the most useful one in which to present the Canadian HANSARD, 1841.

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## Executive Councillors <sup>1</sup> And their Positions

FIRST PARLIAMENT — FIRST SESSION  
14 June 1841 to 18 September 1841

DALY, Dominick <sup>2</sup>	
Member of the Executive Council :	13 February 1841 to 10 March 1848
Provincial Secretary, L.C. :	10 February 1841 to 31 December 1848
DAY, Charles Dewey	
Member of the Executive Council :	13 February 1841 to 20 June 1842
Solicitor General, L.C. :	10 February 1841 to 20 June 1842
DRAPER, William Henry	
Member of the Executive Council :	13 February 1841 to 15 September 1842
Attorney General, U.C. :	10 February 1841 to 16 September 1842
DUNN, John Henry	
Member of the Executive Council :	13 February 1841 to 27 November 1843
Receiver General :	10 February 1841 to 31 December 1843
HARRISON, Samuel Bealey <sup>2</sup>	
Member of the Executive Council :	13 February 1841 to 30 September 1843
Provincial Secretary, U.C. :	10 February 1841 to 30 September 1843
KILLALY, Hamilton Hartley <sup>2</sup>	
Member of the Executive Council :	17 March 1841 to 27 November 1843
Chairman of the Board of Works :	21 December 1841 to 3 October 1844
OGDEN, Charles Richard	
Member of the Executive Council :	13 February 1841 to 15 September 1842
Attorney General, L.C. :	10 February 1841 to 15 September 1842
SULLIVAN, Robert Baldwin <sup>2</sup>	
Member of the Executive Council :	13 February 1841 to 27 November 1843
President of the Executive Council :	10 February 1841 to 11 December 1843
Commissioner of Crown Lands :	10 February 1841 to 30 June 1841
Member of the Legislative Council :	9 June 1841 to 30 May 1851

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1. Robert BALDWIN was a member of the Executive Council from 13 February 1841 to 13 June 1841, and Solicitor General, U.C., from 10 February 1841 to 13 June 1841. However he resigned the day before the opening of this Session, and therefore has not been included in this list.

2. Also a member of the Board of Works from 21 December 1841 to 3 October 1844.

## Members of the Legislative Assembly And their Constituencies

Armstrong, David Morrison	Berthier, Lower Canada
Aylwin, Thomas Cushing	Portneuf, Lower Canada
Baldwin, Robert	Hastings, Upper Canada
	York, Fourth Riding, Upper Canada
Barthe, Joseph Guillaume	Yamaska, Lower Canada
Berthelot, Amable	Kamouraska, Lower Canada
Black, Henry	Quebec, City, Lower Canada
Borne, Michel	Rimouski, Lower Canada
Boswell, George Morss	Northumberland, South Riding, Upper Canada
Boutillier, Thomas	St. Hyacinthe, Lower Canada
Buchanan, Isaac	Toronto, City, Upper Canada
Burnet, David	Quebec, City, Lower Canada
Cameron, Malcolm	Niagara, Town, Upper Canada
Campbell, Edward Clarke	Lanark, Upper Canada
Cartwright, John Solomon	Lennox and Addington, Upper Canada
Chesley, Solomon Youmans	Cornwall, Upper Canada
Child, Marcus	Stanstead, Lower Canada
Christie, Robert	Gaspé, Lower Canada
Cook, John	Dundas, Upper Canada
Crane, Samuel	Grenville, Upper Canada
Cuvillier, Austin	Huntingdon, Lower Canada
Daly, Dominick	Megantic, Lower Canada
Day, Charles Dewey	Ottawa County, Lower Canada
Delisle, Alexandre Maurice	Montreal County, Lower Canada
Derbshire, Stewart	Bytown, Upper Canada
DeSalaberry, Melchoir Alphonse	Rouville, Lower Canada
Desrivieres, Henry	Vercheres, Lower Canada
Draper, William Henry	Russell, Upper Canada
Duggan, George Jr.	York, Second Riding, Upper Canada
Dunn, John Henry	Toronto, City, Upper Canada
Dunscomb, John William	Beauharnois, Lower Canada
Durand, James	Halton, West Riding, Upper Canada
Foster, Stephen Sewel	Shefford, Lower Canada
Gilchrist, John	Northumberland, North Riding, Upper Canada
Hale, Edward	Sherbrooke, Town, Lower Canada
Hamilton, John Robinson	Bonaventure, Lower Canada
Hincks, Francis	Oxford, Upper Canada
Holmes, Benjamin	Montreal, City, Upper Canada
Hopkins, Caleb	Halton, East Riding, Upper Canada
Johnston, James	Carleton, Upper Canada
Jones, Robert	Missisquoi, Lower Canada

Killaly, Hamilton Hartley	London, Town, Upper Canada
Kimber, René Joseph	Champlain, Lower Canada
Macdonald, Donald	Prescott, Upper Canada
Macdonald, John Sandfield	Glengarry, Upper Canada
MacNab, Allan Napier	Hamilton, City, Upper Canada
McCulloch, Michael	Terrebonne, Lower Canada
McLean, Alexander	Stormont, Upper Canada
Manahan, Anthony	Kingston, City, Upper Canada
Merritt, William Hamilton	Lincoln, North Riding, Upper Canada
Moffatt, George	Montreal, City, Upper Canada
Moore, John	Sherbrooke, County, Lower Canada
Morin, Augustin Norbert	Nicolet, Lower Canada
Morris, James	Leeds, Upper Canada
Neilson, John	Quebec County, Lower Canada
Noel, Jean Baptiste Isaie	Lotbiniere, Lower Canada
Ogden, Charles Richard	Three Rivers, Town, Lower Canada
Parent, Etienne	Saguenay, Lower Canada
Parke, Thomas	Middlesex, Upper Canada
Powell, Israel Wood	Norfolk, Upper Canada
Price, James Hervey	York, First Riding, Upper Canada
Prince, John	Essex, Upper Canada
Quesnel, Frédéric Auguste	Montmorency, Lower Canada
Raymond, Jean Moyse	Leinster, Lower Canada
Robertson, Colin	Two Mountains, Lower Canada
Roblin, John P.	Prince Edward, Upper Canada
Ruel, Augustin Guillaume	Bellechasse, Lower Canada
Sherwood, George	Brockville, Upper Canada
Simpson, John	Vaudreuil, Lower Canada
Small, James Edward	York, Third Riding, Upper Canada
Smith, Harmanus	Wentworth, Upper Canada
Smith, Henry Jr.	Frontenac, Upper Canada
Steele, Elmes	Simcoe, Upper Canada
Strachan, James McGill	Huron, Upper Canada
Taché, Etienne Paschal	L'Islet, Lower Canada
Taschereau, Antoine Charles	Dorchester, Lower Canada
Thompson, David	Haldimand, Upper Canada
Thorburn, David	Lincoln, South Riding, Upper Canada
Turcotte, Joseph Edouard	St. Maurice, Lower Canada
Viger, Denis Benjamin	Richelieu, Lower Canada
Watts, Robert Nugent	Drummond, Lower Canada
Williams, John Tucker	Durham, Upper Canada
Woods, Joseph	Kent, Upper Canada
Yule, John Jr.	Chambly, Lower Canada



**Monday, 14 June 1841.**

- Parliament meets. (1) On which day, being the first day of the meeting of this Parliament, for the Dispatch of Business,  
His Excellency the Right Honorable *Charles*, Baron *Sydenham*, Governor General, having by his Proclamation, hereunto annexed, dated the fifth day of *February* last past, declared the Re-union of the Provinces of *Upper* and *Lower Canada* into one Province, under the name of the "Province of *Canada*," and having, by his writs of Summons, issued under the Great Seal of the Province, bearing teste at the Government House, in the City of *Montreal*, the nineteenth day of *February*, also last past, called a Provincial Parliament, which said writs of Summons were returnable on the eighth day of *April* following, and having by divers Proclamations prorogued the said Provincial Parliament, from time to time, until this day, for the Dispatch of Business; the Honorable *Levius P. Sherwood*, *William Hepburn*, and *Thomas Kirkpatrick*, Esquires, Commissioners appointed, by *Dedimus Potestatem*, for administering the oath to the Members of the Legislative Council and Legislative Assembly, came, at the hour of twelve o'clock, at noon, into the room allotted for the sittings of the Assembly; and *William Burns Lindsay*, Esquire, Clerk of the Legislative Assembly, attending according to his duty; and *Thomas Aniot*, Esquire, Clerk of the Crown in Chancery, having delivered, to the said Mr. *Lindsay*, a Roll containing a list of the names of such Members as had been returned to serve in this Provincial Parliament, (a copy whereof is hereunto annexed) the Commissioners did administer the oath to the Members who appeared, which being done, and the Members having subscribed the Roll containing the oath, they took their seats in the Assembly.
- Commissioners for Swearing in Members attend.
- Members being Sworn, take their Seats.
- Proclamation read. (2) The Proclamation summoning the Legislature for the dispatch of Business was then read by the Clerk;
- The 33rd Section of the Imperial Act, 3rd and 4th *Victoria*, Cap. 35. having been also read:
- Mr. Cuvillier chosen Speaker. *Augustin Norbert Morin*, Esquire, Member representing the County of *Nicolet*, stood up, and addressing himself to the Clerk, (who, standing up, pointed to him, and then sat down) proposed to the House for their Speaker, *Austin Cuvillier*, Esquire, in which motion he was seconded by *William Hamilton Merritt*, Esquire, Member representing the North Riding of Lincoln.
- Debates arose thereon,<sup>1</sup>
- Mr. Morin then rose... ((and)) moved that Mr. Cuvillier be the Speaker. M. remarked that he trusted all former differences would be buried, and the business of the country be proceeded with amicably. In proposing Mr. Cuvillier as Speaker of this House, he did so because he knew him to be a good British subject, and a gentleman well versed in parliamentary business.<sup>2</sup> He alluded to the important duty they were called upon to discharge, in selecting a gentleman to preside over them, whose political principles, whose virtues, whose energy and integrity, would entitle him to the confidence of the House, and of the People. Viewing the honourable character, parliamentary experience, and the knowledge of the English and French languages, possessed by Mr. Cuvillier; and possessing, as he does in an eminent degree the qualifications

necessary to the proper discharge of the duties of the office, he had great pleasure in proposing him.<sup>3</sup>

**Mr. Merritt** seconded the motion, and said that besides Mr Cuvillier's known qualifications, he should vote for him as possessing those opinions upon the working of the British Constitution in the colonies, which influenced the great body of the people in Canada — those great principles of government without which representation was useless. He also supported Mr. Cuvillier because he was a Lower Canadian, as it was his, (Mr. M.'s) desire to see all distinction of races and languages levelled, so that United Canada — united in feeling and interest — might move onward to advancement and happiness.<sup>4</sup>

**Colonel Prince** had much pleasure in supporting the nomination, he thought Mr. Cuvillier admirably adapted for the high office of Speaker, for these reasons: first, that his great experience in the parliament of Lower Canada rendered him especially eligible; secondly that he was a moderate reformer, the same as he, (Col. Prince,) was; and thirdly, that he wished to pay a compliment to his own constituents, a majority of whom were French Canadians, and he felt proud they should know he was the third person who spoke in support of a French Canadian as speaker of the Assembly. He also thought it due to Lower Canada that the selection of a speaker should be made from among her representatives, seeing that her privileges had certainly not been extended by the union; and he trusted that the gentlemen from that part of the province would accept it as an earnest of his desire to see all parties acting together in harmony, and having but one object in their proceedings — the furtherance of the prosperity of United Canada. He could not sit down without paying a compliment to the high character of the late Speaker, Sir Allan McNab, and this he could not express in a more appropriate manner than by hoping that Mr. Cuvillier might emulate the ability, impartiality and intelligence of his predecessor.<sup>5</sup>

**Mr. Hincks**, to prevent mistakes, and to discharge his duty to his constituents, would explain the reasons which caused him to vote for Mr. Cuvillier, which were these: — That Mr. C. was opposed to some important details of the Union Bill, particularly the Civil List — that he was opposed to the policy which had been pursued towards Lower Canada — that he fully recognized the great principle of Responsible Government as laid down in Lord Durham's Report — and, that he had no confidence in the provincial administration as at present constituted.<sup>6</sup>

**Capt. Steele** regretted the observations that had fallen from Mr. Hincks, as they might destroy the unanimity of the House in favour of Mr. Cuvillier, which it was so desirable to preserve; and not only the Province but the Empire at large were watching their proceedings; and it was important that their first step should be such, as to shew respect and confidence in themselves and in the country. It was a pity that the apple of discord should have been thrown into the Assembly at the very outset of its proceedings.<sup>7</sup>

**Mr. Cartwright** felt it his duty, after what had fallen from Mr. Hincks, to move an amendment: it had been his intention to remain silent and not have opposed Mr. Cuvillier, but when he heard that gentleman described in the terms Mr. Hincks had employed, he could not support him, he should, therefore, move in amendment that Sir Allan MacNab be appointed Speaker.<sup>8</sup>

**Mr. Johnston** believed the hon. member for Oxford did not intend to impute to Mr. Cuvillier a want of confidence in the administration of his Excellency.<sup>9</sup>

**Mr. Price**... stated that he was sure that his Hon. friend from Oxford did not allude to the head of the Government, but to the Council, the advisers of His Excellency.<sup>10</sup> Mr. Price would prefer an administration of either Whigs or Tories than the present mixed composition of the Executive, and he believed that Mr. Cuvillier required Responsible Government in accordance with Lord Durham's Report. As such, he supported him.<sup>11</sup>

**Col. Prince** desired the hon. member to explain what "a Tory is," (— a laugh.)<sup>12</sup>

**Mr. Roblin** regretted that this question had been brought up in this way, because it had a tendency to embarrass their proceedings at the very outset, and he did not wish to have abstract questions discussed at that stage of their career: he trusted Mr. C. would give no explanation of his opinions upon these subjects — the question before them was not whether

Mr. C. had confidence in the administration, but whether that house had confidence in Mr. Cuvillier — the question of confidence in the executive could readily be brought up afterwards as a separate question.<sup>13</sup>

**Mr. Thorburn** fully agreed with Mr. Roblin, who was a consistent reformer, and enjoyed the confidence of his party; he believed Mr. Cuvillier would discharge his duty ably and faithfully — he (Mr. C.) was intimately acquainted with the wants and wishes of the colony; almost every merchant in Upper Canada knew him, and had always found him a high-minded man of the strictest integrity — if ever there was a time suitable for a peace-offering, that time was the present, (hear, hear,) and he, for one, was desirous to hold out the olive branch to our brethren from Lower Canada; he (Mr. T.) would yield to no man in honesty of political purpose, but at the same time he would resort to no factious opposition; he thought Mr. Cuvillier would be moderate in his opinions, and though he advocated reform, would avoid all extremes; he (Mr. T.) cordially agreed with col. Prince in what he had remarked concerning the late Speaker, Sir Allan McNab — he differed in politics with that gentleman (Sir A.N. McNab) but that difference created no change in his conduct, for Sir Allan had always deported himself towards him and others in a manly, honorable and courteous spirit.<sup>14</sup> He... concluded by hoping the hon. member for Lenox (sic) and Addington would withdraw his amendment.<sup>15</sup>

**Mr. Hincks** explained by saying that he did not express nor desire any expression of opinion from Mr. Cuvillier, but claimed a right to say, on what ground he supported that gentleman.<sup>16</sup> Mr. Hincks wished to explain that the reason for which he, and the party with whom he acted, supported Mr. Cuvillier, were those he had already declared — other persons might have different reasons for their support, but his reasons were already before the house.<sup>17</sup>

**Mr. Cameron** hoped the discussion was nearly at an end — he would support Mr. Cuvillier because he understood both languages, and he hoped his nomination would be unanimous as he had been brought forward and supported by leading men.<sup>18</sup>

**Sir Allan MacNab** rose to make a request to Mr. Cartwright, namely, to withdraw his amendment — he could not agree with those gentlemen who deprecated this discussion<sup>19</sup>... and he thought Mr. Hincks justified in giving his reasons for supporting Mr. Cuvillier, and that every member ought to do the same.<sup>20</sup>

**Mr. Cartwright** withdrew the amendment accordingly.<sup>21</sup>

**Mr. Aylwin** thought that in a house of eighty members some expression of opinion ought to be arrived at; he appreciated the feelings of the gentlemen from Upper Canada, but he should still cling to the name of his birth-place, Lower Canada; he considered the political opinions of the speaker ought to be distinctly understood, and were he not sure that the sentiments of the gentleman now nominated coincided with his own — were he not sure of his principles — he should have felt it his duty to propose another gentleman whose character he viewed with unmixed admiration — he alluded to Mr. Viger: but he would yield to Mr. Cuvillier's election the more readily because he was intimately convinced that he was opposed to the present oppressive policy pursued towards Lower Canada, for were he not so convinced, he would oppose him to the utmost of his power; the house had been told that Great Britain felt a deep interest in their proceedings — that the eyes of England were anxiously watching their movements — but which, he most sincerely doubted — if this were true, it became the more necessary that the opinions of that house as expressed in the choice of a speaker, should be so explicitly declared as to lead to neither mistake nor misapprehension — and he thought this could not be more effectually accomplished than by Mr. Cuvillier's giving to the house a distinct avowal of his political opinions upon those great questions which the country anxiously expected to see carried — if this were not done, he should support Sir Allan McNab, or rather, that tried friend to his country — that martyr to civil liberty — his friend, Mr. Viger.<sup>22</sup>

**Mr. Morin** begged to explain — no one wished more than himself to see the British Government and Reform in flourishing operation in this great province, in one part of which it certainly had not existed; on the abstract question it was likely that Mr. Cuvillier might not differ from the gentleman who spoke some time before, but he (Mr. M.) thought Mr. C. should at present express no opinion upon that or any other subject — those who reposed confidence in Mr.



Cuvillier would record their vote in his favor, those who did not, would, of course, oppose his election.<sup>23</sup>

**Mr. J.S. Macdonald** intended to vote for Mr. Cuvillier, but after the opinions which had been attributed to him by Mr. Hincks, either Mr. C. must come out with a declaration of his real opinions, or he should vote against him; he was not prepared to go so far as to approve of a vote of want of confidence in the present executive, and he could not associate himself with any party entertaining such views.<sup>24</sup>

**Mr. Smith** (of Frontenac) rose and said, that for his part he had every confidence in the administration, and thought the remarks of Mr. Hincks in bad taste at this particular time. Mr. Smith thought it would be imprudent in Mr. Cuvillier to state his political views, and in fact the proceedings of the hon. member for Oxford would, if carried out, be equal to a declaration of want of confidence in the Government, a course that would lead to the dissolution of this body.<sup>25</sup>

**Mr. Draper** could not remain silent, lest his silence, after what had just been said, might be misunderstood. He had no apprehension that free discussions could lead to a dissolution of the house; indeed he did not hesitate to say that he would not remain a member of any government which could threaten to dissolve the house for its expression of opinion on any subject, as it was the admitted privilege of the house, and in strict accordance with parliamentary rights, to express its opinions. As regards Mr. Cuvillier, he should vote for him as speaker, not merely on account of his speaking French and English, and of his parliamentary experience, but because of his character for integrity, for he felt that even should he be opposed to Mr. C. in political opinions, he was sure of receiving justice and impartiality at his hands.<sup>26</sup>

**Mr. Buchanan** objected entirely to the course pursued by Mr. Hincks, in mixing up past questions with present consideration. Parliament had been assembled to establish certain sound principles of government, not in animadversion of what had previously occurred, but as a superstructure for the future. He saw no reason for expressing any opinion with reference to the present Executive, because it had no character, (a laugh) he meant no distinctive political character....<sup>27</sup> — but they had as yet no opportunity of being properly before the country, to allow of an opinion being formed of them; and it was improper to call upon Mr. Cuvillier to make the declaration before voting for him, as that would be equivalent to taking the sense of the House, at the very outset of their proceedings, on a motion of want of confidence in the Executive.<sup>28</sup>

**Mr. James Durand** supported Mr. Cuvillier in consequence of his being an impartial and dignified gentleman, who would give a tone to the house, and he was satisfied that Mr. C. could never fill the chair were he not supported by the Reformers present. He believed Mr. C. was a Reformer, and would only support the Government when it acted in accordance with the expressed wishes of the people.<sup>29</sup>

**Mr. Cook** said a few words.<sup>30</sup>

**Mr. Chesley** insisted that Mr. Cuvillier ought, in justice to himself, to make some broad and intelligent avowal of the opinions he entertained.<sup>31</sup>

(2)

The House then calling for the question; it was accordingly put by the Clerk and

*Resolved*, in the affirmative, *nemine contradicente*, that *Austin Cuvillier*, Esquire, be the Speaker of this House.

And the Clerk having declared Mr. *Cuvillier* duly elected he was conducted to the chair by Mr. *Morin* and Mr. *Merritt*, when, standing on the upper step, he returned his humble acknowledgements to the House for the great honor they had been pleased to confer upon him by choosing him to be their Speaker;

**Mr. C. ((Cuvillier))** begged that the House would reconsider its vote and choose some more competent person to be its Speaker....<sup>32</sup> but on the House persisting in its choice, Mr. C. before

taking the chair, said, he could not express his feelings of sincere and heartfelt gratitude for the high dignity they had conferred upon him. It fell to the lot of few to fill the office correctly; he, Mr. C. however, would do his best endeavours to discharge satisfactorily the important trust conferred upon him. Then turning to the Lower Canadian members, he repeated his remark in French.<sup>33</sup>

(2)

And thereupon he sat down in the chair, and then the mace (which before lay under the table) was laid upon the table.

A member having risen to make a motion, **Sir Allan MacNab** stated, that the only motion in order, after the choice of their Speaker, was a motion to adjourn, which he proposed.<sup>34</sup>

**Mr. Aylwin** objected, on the ground that, in terms of the proclamation convening Parliament for that day, and the provisions of the act of Union, they had not the power to adjourn, as there had not been in reality a meeting of Parliament — the Governor not having come down and summoned the Commons, as usual, to the bar of the Legislative Council. Without this meeting of the three estates together, on the day fixed in the proclamation, he contended there was, in law, no meeting of Parliament; and their whole proceedings would, in consequence, be null and void.<sup>35</sup>

That, this being the case, the Assembly had no powers beyond that expressly defined in the 33d clause of the Union Act, viz: the election of a speaker — and could not adjourn: — That if Parliament was to date from the 15th, when the Assembly went to the Council to meet the Governor, the proclamation calling Parliament together for the actual despatch of business was nugatory.<sup>36</sup> It did not constitute a meeting of Parliament, that the Commons met in their own chamber — it was essential that the three estates should, as the Common Council of the country, be convened together in one place; and Mr. Aylwin, in support of his position, quoted the authority of Lord Coke, and referred to the practice of the Imperial Parliament.<sup>37</sup>

**Mr. Viger** (*in French.*) What is the commencement of a Parliament? It is to be opened by the attendance of a Sovereign, or a Sovereign's representative after the two houses have been assembled by proclamation. Then the Sovereign commands the Commons to proceed to the appointment of their Speaker. If you introduce irregularities, what irregularities will you not pass over! I tremble for the consequences of such admissions.<sup>38</sup>

**Sir Allan MacNab.** My motion before the House is, that the Speaker having been elected, that the House do adjourn. The House is indebted to the honorable members for giving it more knowledge on this subject. I think that I will withdraw my motion.<sup>39</sup>

**Mr. Aylwin.** I think that the honorable member should not be permitted to withdraw his motion. The proceedings have been irregular. I will not assist her Majesty's legal advisers as to the course to be pursued. But if the matter be withdrawn, and if the Clerk proceed to his Excellency and acquaint him that the Commons have chosen their Speaker, may not his Excellency answer, "I am happy that they have made so good a choice," — and so leave us here still.<sup>40</sup>

**Mr. Thorburn** proposed that the motion be withdrawn; then that the Speaker leave the chair; upon which each member, at his discretion, can withdraw.<sup>41</sup>

He ((Mr. Thorburn)) was followed by **Mr. Ogden**.<sup>42</sup>

**Mr. Draper**, (Attorney General.) The hon. member has made an extraordinary proposal — that the Speaker leave the chair. He cannot leave the chair until the House has adjourned. On the point before the House I have a case fresh in my recollection, from the proceedings of the English Parliament. It was, I believe in 1837. But without dating the year, it was when Mr. Abercrombie was elected Speaker of the Commons house of the Imperial Parliament. After the Lords and Commons had been summoned to meet the Sovereign, the Commons were merely directed to proceed to the election of their Speaker. The statute for the union of these provinces has given us the power of electing the Speaker without the concurrence of the Executive. To proceed with the case of Mr. Abercrombie: — The discussion on his election

lasted through that day, and until 3 or 4 o'clock the next morning. The next day the Lords and Commons (sic) attended, and received the Royal speech. The cases are similar, except that the Parliament of England have standing orders which me (sic) have not here yet. The Parliament of England had a day fixed: the Speaker was not elected on that day. The 33d section of the statute of the union of the Canadas having made it unnecessary that our choice of a Speaker should receive the sanction of Royalty, we now stand exactly in the position of the English House of Commons in the proposed case after their election of Speaker. If the position be true, that there is no Parliament until after the three estates have met, there cannot be any meeting of the third estate until its Speaker is elected. How, then, was it with the British House of Commons on the first day of its proceeding towards electing a Speaker. The honorable member for Port Neuf has called for authorities. I have given him three facts in the mean time, while the books are sent for.<sup>43</sup>

**Mr. Day,** (Solicitor General.) The hon. member for Port Neuf opposes our adjournment, and says the house has no power to adjourn. He excels in the talent which he has so abundantly employed here — the perplexing his auditors with minor difficulties and legal subtleties.<sup>44</sup>

**Mr. Viger.** — It has been said that a Session has commenced. What is the commencement of a parliament? Why, when the King meets them; he then tells them I cannot correspond with you till you have a speaker; the Governor does not know of our existence, he has not called us together. It has been said we are an organized body. How then? is the common law set aside by a statute; but the law for assembling the Parliament has been done away with.<sup>45</sup>

**Mr. Morin,** (*in French*) — We have not the power of abolishing the common law of England, by that law the King comes down to the House of Parliament, commands the commons to proceed to the choice of a Speaker. We have no need it is true of the sanction of our Speaker, but in our assuming the power of adjourning we should abridge the prerogation of the Crown; we meet upon an act of the Crown before we can constitute a Parliament.<sup>46</sup>

**Mr. Thorburn.** — If we examine into the usages (sic) of Parliament we shall find that it is competent for you Mr. Speaker to leave the chair, and to command the Sergeant at arms to summon us at any, even an hour's notice.<sup>47</sup>

**Mr. Viger.** — The present is altogether an anomalous proceeding. The House should have been assembled first in the Legislative Council, not here.<sup>48</sup>

**Mr. Aylwin.** — In the case adduced by the Attorney General, the House had attended at the Bar of the House of Lords and then received the command to go and select their Speaker. These were in a true position not as being assembled but because there had been a commencement of the Parliament. We were to have commenced to day but we have not met "the great men of the land." It may be that the "great men" are not assembled. The Solicitor General has referred to the old Prothonotary Perrot. He has confounded the election of a speaker with the only true commencement of a Parliament by the assembling of the three Estates. They having met, the royal command issues as to the election of a Speaker, but not before the attendance of the Governor. Every constituted body has a right to adjourn because they cannot go forty eight hours without eating or drinking, if for no other reason. To meet this present difficulty, his Exceley (sic) should send to meet us in the Legislative Council. If what is done is against law, all the votes of the house cannot make it law. — Her majesty's legal advises (sic) insinuate that a clause on the Union Bill meets all the difficulty. Why do they not state the law? The 33 § of the Union Bill will not get them out: but that section was made for this purpose specially. Under some administrations the election of Speaker was not confirmed. But you, sir, are a perfect Speaker, now notwithstanding the governments negative, which does not reach you.

As to the Union Bill, does that give this house power to adjourn? Then how can the Legislative Council adjourn for the other house is not in that clause of the act. Now after midnight the house must dissolve, because it would be contrary (sic) to fact to say "at a session of Parliament commenced on the 14th day of June in the year 1841" her majesty knows that this is beyond our privilege to do, it is more than the prerogative can do.<sup>49</sup>

**Mr. Hincks.** — It is evident that we do not advance. It would be presumptuous in me to suggest a remedy. I believe that to day's proceedings must be until (sic) ((null)) and void. It is evident that His Excellency has been badly advised. The only way left is to prorogue the



Parliament until to-morrow. Her majesty's legal advisers decline to bring forward (sic) any precedent. This Parliament has not yet met: this case the imperial parliament had met.<sup>50</sup>

**Mr. Thorburn.** — My advice is this. As it requires twenty one members to make a quorum, members can leave at their discretion and when the number of the house is reduced beyond a quorum you can adjourn.<sup>51</sup>

**Mr. Small.** — If we leave on the way last proposed we shall get into another dilemma, when will the house meet again and by what authority, how will we know tomorrow that the Governor will meet us tomorrow.<sup>52</sup>

**Mr. Boswell.** — If her majesty's three legal advisers would provide some remedy, and I am astonished when it seems that a difficulty is entertained by a large majority of the House. I do not approve of the suggestion of a prorogation, I doubt if we look into the 33 section of the Act of Union, we shall find a statute (sic) of the case. Up to this all is correct we have made a Speaker conformably to the Act. But though the Speaker be chosen Parliament has not met. I see no way unless that his Excellency be advised to come down to us.<sup>53</sup>

((Mr.)) **Price** supported the views of Mr Aylwin....<sup>54</sup>

**Mr. Durand.** — How can we be prorogued.<sup>55</sup>

**Mr. Cameron.** — Our dilemma reminds me of the fable of the Bull and the Boat. A boat went down stream with a Bull on it, but the cable was of straw, and the Bull had eaten it; so the Bull had run away with the boat, and the boat with the bull. — Are we in the same position as the House of Commons after meeting the King and choosing a Speaker if we adjourn, for what hour to meet, the Legislative Council might tell us that.<sup>56</sup>

**Mr. Prince.** — We seem to have a right to adjourn. We are met to elect a Speaker. — Now suppose we had not elected a Speaker by midnight, should we not have power to adjourn at midnight and meet again for business to-morrow.<sup>57</sup> Colonel Prince objected particularly to continuing their sitting, as it had already arrived at that hour when they might be better employed in discussing their dinners.<sup>58</sup>

**Mr. Aylwin.** — The object was not to elect our Speaker, if we look to the proclamation: No, not to elect a Speaker, but to meet with the "great men of the land." The Speaker may be elected without the other two estates of Parliament, but the House cannot proceed further. There is not *commune concilium*, no parliament yet. If the House do any thing further, it will do an unlawful act; yes, as direct a wrong as to issue a writ for the apprehension of any inhabitant of Kingston. If we were as bad off as a starved out jury after two days' confinement, we cannot adjourn. If we had not elected a Speaker, the Crown might direct us to adjourn and elect a Speaker, but we have not met the Executive. If the law of Parliament has been altered, her Majesty's legal advisers should show wherein it has been altered. This is not an assumption of authority, but a question of principle. A question has been raised and a decision of the House must be given.<sup>59</sup>

**Mr. Boswell.** — If her Majesty's legal advisers will undertake to move an adjournment, we may adjourn.<sup>60</sup>

**Mr. Hincks** rose to correct a misapprehension. The Governor must have met and left the House before the election of a Speaker. — The Imperial Parliament had met the Executive.<sup>61</sup>

**Sir A.N. MacNab** — I have heard with attention the other legal advisers of her Majesty — I should like to hear the opinion of the Solicitor General west.<sup>62</sup>

**Mr. Baldwin** did not speak, although called upon by Sir Allan Macnab....<sup>63</sup>

**Mr. Johnston.** — The wants of nature require an adjournment. We are not to be stayed by special pleading.<sup>64</sup>

**Mr. Simpson** moved, seconded by **Mr. Aylwin**, that the House adjourn until 2 o'clock to-morrow.<sup>65</sup>

**Mr. Duggan.** — If the House is disposed to escape from the dilemma, we have but one way. We do not know when we are to meet His Excellency. Now, under the 3d (sic) section of the Act of Union, it is provided that there shall be a Parliament of Canada, consisting of the House of Assembly and Legislative Council, and that these two Houses shall make laws with the sanction of Her Majesty or her Majesty's representatives.<sup>66</sup>

**Mr. Simpson** rose to put the motion of adjournment.<sup>67</sup>

**Mr. Hincks.** — Before the motion is put Her Majesty's legal adviser should acknowledge their mistake.<sup>68</sup>

**Mr. Durand.** — Will the Attorney General take the responsibility? <sup>69</sup>

**Mr. Draper.** — I take the responsibility if it is desired.<sup>70</sup>

**Mr. Derbishire.** — Three of her Majesty's legal advisers have advocated the motion to adjourn. What want we more as to their taking the responsibility? they have not followed a bad example of members rising again and again to speak over what they have said before.<sup>71</sup>

**Mr. Durand** addressed the Speaker. — Before the motion be put, I want to know your opinion, Mr. Speaker. Your Parliamentary experience and legal knowledge would be a great assistance to the house.<sup>72</sup>

**Mr. Aylwin.** — The member for Bytown has called on her Majesty's legal advisers to assume the responsibility, but will the house stultify itself and refer to the authority of the Attorney General? <sup>73</sup>

**Mr. Derbishire** — and — **Mr. Draper** — respectively explained, **Mr. Duggan** rose three times, the Speaker ((**Mr. Cuvillier**)), though rising, giving way to him, but the cries of "question" prevailed.<sup>74</sup>

(2)

*Mr. Simpson* then addressing himself to *Mr. Speaker*, moved, seconded by *Mr. John S. McDonald*,

That the House do now adjourn until tomorrow at two o'clock P.M.  
Upon which the House divided,

Tellers, { For the yeas, *Mr. Aylwin*, ..... 47,  
              { For the noes, *Mr. Manahan*, ..... 27.

So it was resolved in the affirmative,

House Adjourns.

And the House accordingly adjourned until tomorrow at two o'clock P.M.

Footnotes — 14 June 1841.

1. For reports of this debate see WESTERN HERALD, 24 June 1841, citing TORONTO COMMERCIAL HERALD, 17 June 1841; KINGSTON CHRONICLE, 16 June 1841; BRITISH COLONIST, 16 June 1841; EXAMINER, 16 June 1841; MONTREAL GAZETTE, 17 June 1841; LE CANADIEN, 18 June 1841. The EXAMINER, 16 June 1841, and LE CANADIEN, 18 June 1841, give additional commentaries.

2. KINGSTON CHRONICLE, 16 June 1841.

3. BRITISH COLONIST, 16 June 1841. Morin spoke "in very imperfect English..." according to the TORONTO COMMERCIAL HERALD, 17 June 1841, cited in WESTERN HERALD, 24 June 1841.

4. TORONTO COMMERCIAL HERALD, 17 June 1841, cited in WESTERN HERALD, 24 June 1841.

5. IBID.

6. IBID.

7. BRITISH COLONIST, 16 June 1841.

8. TORONTO COMMERCIAL HERALD, 17 June 1841, cited in WESTERN HERALD, 24 June 1841.

9. KINGSTON CHRONICLE, 16 June 1841.

10. MONTREAL GAZETTE, 17 June 1841.

11. KINGSTON CHRONICLE, 16 June 1841.

12. IBID.

13. TORONTO COMMERCIAL HERALD, 17 June 1841, cited in WESTERN HERALD, 24 June 1841.

14. IBID.

15. KINGSTON CHRONICLE, 16 June 1841.

16. IBID.

17. TORONTO COMMERCIAL HERALD, 17 June 1841, cited in WESTERN HERALD, 24 June 1841.

18. IBID.

19. IBID.

20. KINGSTON CHRONICLE, 16 June 1841.
21. IBID.
22. TORONTO COMMERCIAL HERALD, 17 June 1841, cited in WESTERN HERALD, 24 June 1841.
23. IBID.
24. IBID.
25. KINGSTON CHRONICLE, 16 June 1841.
26. TORONTO COMMERCIAL HERALD, 17 June 1841, cited in WESTERN HERALD, 24 June 1841.
27. IBID.
28. BRITISH COLONIST, 16 June 1841.
29. KINGSTON CHRONICLE, 16 June 1841.
30. TORONTO COMMERCIAL HERALD, 17 June 1841, cited in WESTERN HERALD, 24 June 1841.
31. IBID.
32. "Loud cries of 'No, No !'... succeeded...." MONTREAL GAZETTE, 17 June 1841.
33. KINGSTON CHRONICLE, 16 June 1841.
34. BRITISH COLONIST, 16 June 1841.
35. IBID.
36. TORONTO COMMERCIAL HERALD, 17 June 1841, cited in WESTERN HERALD, 24 June 1841.
37. BRITISH COLONIST, 16 June 1841.
38. KINGSTON CHRONICLE, 16 June 1841.
39. IBID.
40. IBID.
41. IBID.
42. EXAMINER, 16 June 1841.
43. KINGSTON CHRONICLE, 16 June 1841.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. EXAMINER, 16 June 1841.
55. KINGSTON CHRONICLE, 16 June 1841.
56. IBID.
57. IBID.
58. BRITISH COLONIST, 16 June 1841.
59. KINGSTON CHRONICLE, 16 June 1841.
60. IBID.
61. IBID.
62. IBID.
63. BRITISH COLONIST, 16 June 1841.
64. KINGSTON CHRONICLE, 16 June 1841.
65. IBID.
66. IBID.
67. IBID.
68. IBID.
69. IBID.
70. IBID.
71. IBID.
72. IBID.
73. IBID.
74. IBID.



**Tuesday, 15 June 1841.**

(2)

*The House* being met, and Mr. Speaker having taken the chair :

Message to attend the  
Governor General.

A Message was brought by *Frederick Starr Jarvis*, Esquire, gentleman usher of the Black Rod.

Mr. Speaker,

His Excellency, the Governor General, desires the immediate attendance of this Honorable House in the Legislative Council Chamber.

Mr. Speaker and  
House attend at  
Council Chamber.

Accordingly Mr. Speaker, with the House, went to the Council Chamber.

And there Mr. Speaker spoke to the following effect, viz :

(3)

May it please your Excellency ;

According to Law the Legislative Assembly have proceeded to the Election of a Speaker ; I am the person upon whom their choice has fallen.

Mr. Speaker claims  
Privileges of the  
Assembly.

If in the Execution of the important duties of my Station I should at any time fall into error, I intreat that the fault may be imputed to me, and not to the Assembly, whose Servant I have the honor to be ; and that they may be the better enable to discharge their duty to Her Majesty and their country, I do in their name and on their behalf, by humble Petition, lay claim to all their Rights and Privileges, particularly that they may have liberty of Speech for the better management of their debates ; access to your Excellency's person on all seasonable occasions, and that their proceedings may receive from your Excellency the most favorable interpretation.

Then the Honorable Speaker of the Legislative Council said :

Privileges obtained.

His Excellency, the Governor General, fully confides in the duty and attachment of the Assembly to Her Majesty's Person and Government, and not doubting that their proceedings will be conducted with wisdom, temper, and prudence, he grants, and upon all occasions will recognize and allow their Constitutional Privileges.

I am commanded also to assure you that the Assembly shall have ready access to His Excellency upon all seasonable occasions, and that their proceedings as well as your words and actions will constantly receive from Him the most favorable construction.

The House being returned.

Mr. Speaker reports  
having waited upon  
His Excellency, &c.

Mr. Speaker reported that the Assembly had been in the Legislative Council Chamber, and that he had informed His Excellency that the choice of Speaker had fallen upon him, and also that he had, in their name, and on their behalf, by humble Petition to His Excellency, laid claim to all their Rights and Privileges, that they may enjoy freedom of speech in their debates, and have access to His Excellency's person as occasion shall require, and that all their proceedings may receive from His Excellency the most favorable construction ; to which His Excellency had been pleased to say that he readily and willingly granted

and allowed them all their Privileges, in as full and ample a manner as they have ever heretofore been granted, as well as ready access to His Excellency on all seasonable occasions, and that their proceedings as well as their words and actions will constantly receive from him the most favorable construction.

**Mr. Draper** moved for leave to bring in a bill requiring Justices of Peace to furnish returns of all fines, penalties, and convictions, that fell within their jurisdiction.<sup>1</sup>

**Sir A. MacNab** opposed this motion as irregular, notice of motion being first necessary.<sup>2</sup>

**Mr. Aylwin** had a bill to bring forward to secure the independence of the Judges in the Eastern division of the Province. He had no objection to the motion, provided no preference was intended in favour of the Attorney General's bill.<sup>3</sup>

(3)

*Ordered* — That Mr. Attorney General *Draper* have leave to bring in a Bill to require Justices of the Peace to make returns of convictions and fines.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

*Ordered* — That the said Bill be read a second time on this day three weeks.

A Petition of *T. Parker* and others of the county of *Hastings* in the District of *Victoria*, was presented to the House by Sir *Allan McNab* and the same was received and read, setting forth :

That according to previous notice given by an advertisement, an Election was held in the Town of *Belleville*, in the County of *Hastings*, in the Province of *Canada*, on *Monday*, the 22d day of *March* last,

(4)

and the five subsequent days, for the purpose of choosing one discreet and proper person to represent the said County of *Hastings* in Parliament.

That the Candidates were, The Honorable *Robert Baldwin*, of the City of *Toronto*, and *Edmund Murney*, Esquire, of the aforesaid Town of *Belleville*.

That on *Saturday*, the 27th day of *March*, 1841, the Returning officer declared the said Honorable *Robert Baldwin* duly elected, because it appeared from the names taken on Record that the said *Robert Baldwin* had a majority of Thirty-six Votes, he, the Returning Officer, having refused a scrutiny demanded by the said *Edmund Murney*, Esquire, who declared that he had a majority of the legal votes polled.

That a protest was duly entered against the return made in favor of the said *Robert Baldwin*, upon various grounds, and the Petitioners now beg that their humble petition, together with the said protest may be taken into consideration by this Honorable House, and dealt with accordingly.

Petitioners beg leave to represent, that the said Honorable *Robert Baldwin* should not be the Member for the said County of *Hastings*, because it is contrary to all precedent, contrary to law and contrary to the constitution, that any person should be a Candidate for the Representation of a Town, County or Riding, who has previously been elected for any Town, County or Riding, and the said *Robert Baldwin* having, on the Eighth day of *March* last, attended as a Candidate at the Hustings, at the place appointed in the fourth Riding of the County of *York*, in the Province of *Canada*, by the Returning officer for the said fourth Riding of the County of *York*, for the purpose of choosing one discreet and proper person to represent the said fourth Riding of *York* in Parliament, and there he the said *Robert Baldwin* addressed the Electors of the said fourth Riding of *York* and solicited their suffrages, and was in consequence, by them elected to Represent the said fourth

Justices' Returns  
Bill read.

Hastings Election  
petition.

Hastings Election  
petition.

Riding of *York*, and was therefore returned duly elected by the Returning Officer of the said fourth Riding of *York*; from all of which facts, which they are ready and willing to establish before this Honorable House, it is clear, and evident, that the said *Robert Baldwin* was elected Member of the said fourth Riding, and could not therefore either according to precedent, or according to law, or according to the constitution, become a Candidate for any other Town, County or Riding, he not having previously resigned his seat, for which he was elected, and yet the Petitioners most respectfully represent that notwithstanding all these facts the said *Robert Baldwin* did, contrary to precedent, contrary to law and contrary to the constitution, on the 22d day of *March* in the year of our Lord, 1841, present himself at the Hustings in the County of *Hastings*, aforesaid, being the day appointed as aforesaid to hold the Elections, for the purpose of choosing, one discreet and proper person, to represent the said County of *Hastings* in Parliament, and there he the said *Robert Baldwin* addressed the Electors, and solicited their votes, whereas from the fact of his having been before elected and returned, and being then at the time, that is to say on the said 22d day of *March*, actually the Representative of the said fourth Riding of the County of *York*, he the said *Robert Baldwin* was ineligible to become a Candidate, because thereby the due and proper number of the Representatives of this Province was lessened and diminished, and one voice taken therefrom, and that the votes recorded in favor of the said *Robert Baldwin*, were recorded in favor of a person, who, being already returned as a Member of this Honorable House, by another and different constituency, was disqualified from receiving them, and whose previous return for the said fourth Riding of the County of *York*, was a valid and sufficient, and legal notice to the Electors of the said County of *Hastings*, that

(5)

Hastings Election  
Petition.

the votes so recorded in favor of the said *Robert Baldwin* were thrown away and lost, and could not legally and rightfully be taken notice of by the Returning Officer — and that the said *Robert Baldwin* could not be thereupon legally returned, or elected; for all which reasons the Petitioners pray that the Return in favor of the said *Robert Baldwin* as the Member for the said County of *Hastings* may not be received, but that this Honorable House will be pleased, so to amend the return, or cause it to be amended, as to declare the said *Edmund Murney* the Member for the said County of *Hastings*; or otherwise that this Honorable House will, for the reasons aforesaid, and in consequence of the disqualification of the said *Robert Baldwin*, by reason of the premises, hold, declare, and determine the said Election so had for the said County of *Hastings* on the said 22d day of *March*, and the days then next ensuing as herein before mentioned, and all proceedings thereupon had, to have been and to be utterly null and void, and of none effect, and that the seat for the said County of *Hastings* in this House, by reason of the return of a disqualified person, is vacant and unfilled.

Petitioners beg leave further to represent that the said *Robert Baldwin* should not be the Member for the said County of *Hastings*, because, contrary to Law, and contrary to the Constitution, intimidation, to an alarming extent, was practised against the freeholders who supported the said *Edmund Murney*, Esq. in manner following, that is to say: that he the aforesaid *Robert Baldwin*, and the Committee, who maintained his canvas, and who supported him during the said Election for the said County of *Hastings*, in violation of the Constitution, in breach of the Peace, and with a view to the suppression of the voices or votes of a large body of the Electors of the said County of *Hastings*, and for the purpose of intimidating and keeping back from the Poll the said last mentioned Electors, and contrary to Law, did make use of, and for certain reward, hire, and did maintain and keep, during the said Election, for the said County of *Hastings*, at or near the Hustings, or polling place, where the votes were recorded by the Returning Officer,



a large body of armed shanty-men, bullies, and ruffians, armed with bludgeons, clubs, and sticks, and other offensive weapons, not being freeholders of the said County of *Hastings*; and the Petitioners do further respectfully represent that the said body of men so there maintained and kept as aforesaid, were secretly encouraged by the said *Robert Baldwin* and by his Committee, with his advice, to behave and conduct themselves, and that they did behave and conduct themselves, in a noisy, riotous, and brutal manner, using threatening language and gestures towards the freeholders who came to record their votes in favor of the said *Edmund Murney*, and that they did push back, lay violent hands on, and abuse the said last mentioned freeholders, and that many of the said last mentioned freeholders were forced and obliged to, and did, for the maintenance of the peace, and for the preservation of their lives and limbs, and as the only method by which they could record their votes, feign and assume to be voters for the said *Robert Baldwin*, and that then, and not till then, they were permitted by the said shanty-men, bullies, and ruffians to approach the *Hustings*, and having so feigned themselves to be voters for the said *Robert Baldwin*, were violently pushed and passed from hand to hand by the said shanty-men, bullies, and ruffians, in and towards the said *Hustings* or polling place; and the Petitioners further respectfully represent that thereby many of the said last mentioned freeholders, who were personally known to the said shanty-men, bullies, and ruffians, or to some of them, as supporters of the said *Edmund Murney*, were forced back and deterred from voting, and that thereby the said *Edmund Murney*, Esquire, lost the support of a large number of the said last mentioned freeholders, for which last mentioned reasons, petitioners pray that the return in favor of the said *Robert Baldwin*, as the Mem-

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Hastings Election  
Petition.

ber of the said County of *Hastings* may not be received, but that this Honorable House will be pleased so to amend the return, or cause it to be amended, as to declare the said *Edmund Murney* the Member for the said County of *Hastings* or otherwise, for the reasons last above set forth, hold declare, and determine the said election so holden in and for the said County of *Hastings*, on the said 22d day of *March*, and the days then next ensuing as aforesaid, and all proceedings thereupon had, to have been and to be utterly null and void and of none effect, and that the seat in this House, for the said County of *Hastings*, is vacant and unfilled.

Petitioners beg leave stil further to represent that the said *Robert Baldwin* should not be the Member for the said County of *Hastings*, because, contrary to Law, and contrary to the Constitution, a large number of the names recorded as having voted for the said *Robert Baldwin* are not freeholders in the said County of *Hastings*, and consequently the majority by which he the said *Robert Baldwin* was declared elected, has no existence in fact or in law, and was and is a mere colourable majority; and because a larger number of legal votes were recorded in favor of the said *Edmund Murney*, than is in favor of the said *Robert Baldwin*, and because a large number of legal and sufficient votes offered for the said *Edmund Murney* were rejected by the returning officer, illegally and without reason, for which reasons the Petitioners pray that the return in favor of the said *Robert Baldwin* as the Member for the said County of *Hastings*, may not be received, but that this Honorable House will be pleased so to amend the return, or cause it to be amended as to declare the said *Edmund Murney* the Member for the said County of *Hastings*.

Petitioners beg leave further to represent that from evidence which will be submitted to the committee hereafter to be appointed by this Honorable House, the Petitioners firmly believe they will make it appear that the returning officer conducted himself throughout the said election with wilful and unwarrantable partiality, and was grossly biassed in favor of the said *Robert Baldwin*, and rested unfairly and

partially, solely upon the opinion of the said *Robert Baldwin*, whose opinion in opposition to a request of the Magistrates, that the said bullies and shanty-men should be desarmed, was taken and accepted and acted upon by the said returning officer, who refused to accede to the request of the said Magistrates; and the Petitioners further represent, that by and through the refusal of the said returning officer to interfere and prevent the interruption which was offered by the hired bullies, ruffians and shanty-men, before mentioned, to the freeholders, in the interest of the said *Edmund Murney*, great injustice was done to the said *Edmund Murney*, and the Petitioners believe that the fact of the returning officer's canvassing for the said *Robert Baldwin*, subsequent to his appointment, will strongly corroborate the charge which they now prefer; and for these last mentioned reasons the Petitioners further pray that the said *Robert Baldwin* may not be declared the sitting Member for the County of *Hastings*; but that this House will so amend the return, or order it to be amended that *Edmund Murney* may be declared the sitting Member for the said County; or otherwise, that this Honorable House will hold, declare, and determine for the last mentioned reasons, the said election for the said County of *Hastings* and all proceedings thereupon had to have been and to be utterly null and void, and that the seat in this Honorable House for the said County of *Hastings*, is vacant and unfilled.

*Ordered*—That the said Petition do lie upon the table.

Speaker reports His Excellency's Speech.

Mr. Speaker then reported, that when the House did attend His Excellency the Governor General, this day, in the Legislative Council

Speaker reports His Excellency's Speech.

(7)  
chamber, His Excellency was pleased to make a speech to both Houses of the Provincial Parliament, of which Mr. Speaker said he had, to prevent mistakes, obtained a copy, which he read to the House, and it is as followeth:—

*Honourable Gentlemen of the Legislative Council, — and  
Gentlemen of the House of Assembly,*

Speech at opening of Session.

I have deemed it right to assemble you at the earliest period which the circumstances of the Province, and the duties imposed upon me by the Imperial Act for the Union of the *Canadas*, under which this Legislature is constituted, have admitted; and it is with sincere satisfaction that I now meet you to deliberate on the great and important interests committed to our charge.

A subject of Her Majesty, an inhabitant of this Province, has been forcibly detained in the neighbouring States, charged with a pretended crime. No time was lost by the Executive of this Province in remonstrating against this proceeding, and provision was made for ensuring to the individual the means of defence, pending the further action of Her Majesty's Government. The Queen's Representative at Washington has since been instructed to demand his release. Of the result of that demand I am not yet apprised, but I have the Queen's commands to assure Her faithful subjects in *Canada* of Her Majesty's fixed determination to protect them with the whole weight of Her power.

Arrangements were completed during the course of last summer by which, under the directions of the Treasury, the rates of Postage between all parts of this Colony and the United Kingdom were greatly reduced; and a more speedy and regular conveyance of letters between different parts of this Province has since been established, by arrangements made by the Deputy Post Master General, under my directions. A Commission has been appointed by me to enquire into and report upon the whole Post Office system of British North America, and I confidently anticipate that the result of its labours will be the establishment of a plan securing improvements in the internal communication, by Post, within the Colony, equal to those which we have already obtained in the communication with the Mother Country.

Many subjects of deep importance to the future welfare of the Province demand your early attention, upon some of which I have directed Bills to be prepared, which will be submitted for your consideration.

Amongst them, first in importance at the present juncture of affairs, is the adoption of measures for developing the resources of the Province, by well considered and extensive public works. The rapid settlement of the Country — the value of every man's property within it — the advancement of his future fortunes, are deeply affected by this question.

The improvement of the navigation from the shores of Lake *Erie* and Lake *Huron* to the ocean — the establishment of new internal communications in the Inland Districts, are works requiring a great outlay, but promising commensurate returns. To undertake them successfully, large funds will undoubtedly be required, and the financial condition of the Province, as it stands at present, would seem to forbid the attempt. But I have the satisfaction of informing you that I have received authority from Her Majesty's Government to state, that they are prepared to call upon the Imperial Parliament to afford their assistance towards these important undertakings. In the full belief that peace and tranquillity will be happily re-established in this Province, under the constitution settled by Parliament, and that nothing but a relief from its most pressing difficulties is wanting to its rapid advancement to prosperity, they will propose to Parliament, by affording the guarantee of the Imperial Treasury, for a loan to the extent of no less

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Speech at opening  
of session.

then a million and a half sterling, to aid the Province for the double purpose of diminishing the pressure of the interest on the Public Debt, and of enabling it to proceed with those great public undertakings, whose progress during the last few years has been arrested by the Financial difficulties. I shall direct a measure to be submitted to you, embracing a plan for this purpose, and I shall lay before you, for your information and that of the People of *Canada*, extracts from the despatches which convey to me this most gratifying assurance.

In immediate connexion with the outlay of capital upon public works is the subject of Emigration, and the disposal and settlement of public lands. There exist within the Province no means so certain of producing a healthy flow of Immigration from the Mother Country, and of ultimately establishing the Immigrant as a settler and proprietor within the Colony, as the power of affording sure employment for his labor on his first arrival. The assistance of Parliament, for the Public Works which may be undertaken here, will in a great measure provide for this ; but with a view further to aid Immigration, I am authorised to declare to you that Her Majesty's Government are prepared to assist in facilitating the passage of the Immigrant from the Port at which he is landed to the place where his labour may be made available, and that a vote of money for this purpose will be proposed to the Imperial Parliament. The conditions which Her Majesty's Government attach to this measure will be submitted to you, at the same time that I shall draw your attention to a scheme for the settlement and disposal of the Public Lands.

It appears highly desirable that the principles of local self-government which already prevail to some extent throughout that part of the Province which was formerly Upper *Canada*, should receive a more extended application ther, and that the people should exercise a greater degree of power over their own local affairs. I have directed a measure upon this subject to be submitted to you, and I solicit your earnest attention to the establishment of such a form of local government for those Districts of the Province which are unprovided with it, as may ensure satisfaction to the people, whilst it preserves inviolate the prerogative of the Crown, and maintains the administration of Justice pure from party and popular excitement.



A due provision for the education of the people is one of the first duties of the State, and in this Province especially, the want of it is grievously felt. The establishment of an efficient system by which the blessings of instruction may be placed within the reach of all, is a work of difficulty, but its overwhelming importance demands that it should be undertaken. I recommend the consideration of that subject to your best attention, and I shall be most anxious to afford you in your labours all the co-operation in my power. If it should be found impossible so to reconcile conflicting opinions as to obtain a measure which may meet the approbation of all, I trust that at least steps may be taken by which an advance to a more perfect system may be made, and the difficulty under which the people of this Province now labor, may be greatly diminished, subject to such improvements hereafter as time and experience may point out.

*Gentlemen of the House of Assembly,*

The financial Accounts of the Province will be immediately laid before you, and I shall direct the estimates for the public service to be submitted to you with the least possible delay. I rely upon your co-operation in the financial measures which it will be my duty to propose to you for taking advantage of the assistance which Her Majesty's Government propose to afford, and for carrying into effect the Public improvements which are deemed most desirable. I shall earnestly endeavor that whatever you may appropriate for this latter purpose shall be economically employed and rendered effective.

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*Honorable Gentlemen and Gentlemen,*

Speech at opening  
of Session.

In your wisdom and prudence I confide for the regulation of the different important matters which must necessarily come before you. *Canada*, united under a constitution, which the Imperial Legislature has framed with an earnest desire for the welfare of this portion of the British Empire, cannot fail to prosper under prudent and sage counsels. The generous aid which I have already announced to you — the determination which I am also empowered to state on the part of the Government, to devote annually a large sum for the military defences of the Province; the fixed and settled determination which I have the Queen's commands to declare, that her North American possessions shall be maintained at all hazards as part of her empire, are pledges of the sincerity with which the mother country desires to promote the prosperity of *Canada*, and to assist in the well working of the new institutions which it has established. The eyes of *England* are anxiously fixed upon the result of this great experiment. Should it succeed, the aid of Parliament in your undertakings — the confidence of British capitalist in the credit you may require from them — the security which the British people will feel in seeking your shores and establishing themselves upon your fertile soil, may carry improvement to an unexampled height. The rapid advance of trade and immigration, within the last eighteen months, afford ample evidence of the effects of tranquillity in restoring confidence and promoting prosperity. May no dissections mar the flattering prospect which is open before us — may your efforts be steadily directed to the great practical improvements of which the province stands so much in need, and under the blessing of that Providence which has hitherto preserved this portion of the British dominions, may your counsels be so guided as to ensure to the Queen attached and loyal subjects, and to United *Canada* a prosperous and contented people.

It was moved by **Colonel Prince**, that 1000 copies should be printed for the use of members....<sup>4</sup>

At the suggestion of **Mr. Hincks** it was agreed that one-half should be printed in the French language.<sup>5</sup>

(9)

Speech to be Printed.

On motion of Mr. *Prince*, seconded by Mr. *Thorburn*,  
*Ordered* — That five hundred copies, in each of the English and French languages, of His Excellency the Governor General's Speech delivered this day, to both Houses of the Provincial Parliament, be printed for the use of the Members of this House.

Speech referred.

On motion of Mr. *Morris*, seconded by Mr. *Buchanan*,  
*Ordered* — That the Speech of His Excellency the Governor General, this day delivered to both Houses of the Provincial Legislature, be referred to a Committee of the whole House on *Friday* next.

Petition for power to Celebrate Marriage and hold Lands.

A Petition of *James W. Sharrard* and *Thomas Henry*, Christian Ministers, of the *Home District*, was presented to the House by Mr *Small*, and the same was received and read, setting forth, that Petitioners are believers in the old and new testaments and take the same as the rule of their conduct.

That their communicants are about 1200 and congregation about 2500.

That two thirds of their body are British subjects.

That they are not authorized to celebrate matrimony, nor hold lands.

That they desire no greater privileges than other certain religious bodies.

And praying for a law to enable them to celebrate marriage, and hold lands for certain purposes.

And further that they may be heard at the bar upon the subject of their religious belief.

*Ordered* — That the said Petition do lie upon the table.

(10)

Rules and Regulations of House.

On motion of Mr. *Simpson* seconded by Mr. *Child*,  
*Resolved* — That a Committee of seven Members be appointed to frame Rules and Regulations for the Government of this House; that the Rules of the two former Houses of Upper and Lower *Canada* be referred to it for its guidance, with power to send for persons, papers, and records, and to report thereon with all convenient speed.

Committee on Rules.

*Ordered* — That Mr. *Simpson*, Mr. *Aylwin*, Mr. *Cameron*, Sir *Allan Mac Nab*, Mr. *Neilson*, Mr. *Prince*, and Mr. *Thorburn*, do compose the said Committee.

**Sir A. MacNab** ((moved)) to add to the Committee the two Attornies General...<sup>6</sup>

**Messrs. Morin and Viger** ... ((saw)) an impropriety in appointing two of the officers of the Government on such a committee. Mr. M. ... insinuated that those gentlemen could not have the confidence of the House...<sup>7</sup>

**Mr. Draper** made a spirited reply...<sup>8</sup>

At last ... **Messrs. Neilson and Aylwin** ... dropped the subject.<sup>9</sup>

**Messrs Ogden & Draper**, were afterwards added ((to the committee)).<sup>10</sup>

(10)

Postage.

On motion of Mr. *Thorburn*, seconded by Mr. *Morris*,  
*Ordered* — That the Clerk be directed to charge to the Contingencies of the House, the postage on all letters not exceeding one ounce in weight, and on printed papers to and from Members of this House, during the present Session, provided, that when Petitions to this House are enclosed, the postage thereon shall be charged without restriction, as to weight.

He ((**Mr. Thorburn**)) entered into some explanation relative to the new post office regulations, which if adopted, would be satisfactory to the country. The surplus post office revenue would in

future be paid into the Colonial instead of the Imperial Treasury, (as has heretofore been the case.)<sup>11</sup> In the course of his remarks ...((Mr. Thorburn)) stated, that he had calculated not less than £30,000 per annum was paid into the Imperial Treasury for postages in Canada — a portion of revenue which was unjustly placed beyond our control.<sup>12</sup>

(10)

Gaspé Fisheries Bill.

*Ordered* — That Mr. *Hamilton* have leave to bring in a Bill to regulate the Fisheries in the District of Gaspé.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Monday* the twenty-first instant.

Kent Election.

A Petition of J. *Woods* and others of the *Western District* was presented to the House by Sir *Allan N. MacNab* and the same was received and read, setting forth :

That the election of one Member to serve for the County of *Kent* in this Honorable House was commenced at the Town of *Chatham* in the said County on *Monday* the twenty-second day of *March*, last. *George Wade Foote*, Esquire, the Sheriff of the *Western District* being the returning officer, and the Honorable *Samuel B. Harrison*, and *Joseph Woods*, (one of your Petitioners, being) Candidates for the suffrages of the Electors of the said County, when a Poll was declared, and the Election being contested, continuing as such Candidate from its commencement on the *Monday*, until the following *Saturday*, being the period allowed by law. That during the continuance and progress of the said Election, every facility was afforded as well to those Electors who were in favor of Mr. *Harrison*, as those who were in favor of the said *Joseph Woods*, of recording their votes on the Poll Book, and that at the close of the Poll on the *Saturday* night, being the last day on which the Election could be held according to law, the said *Joseph Woods*, one of your Petitioners, had a majority of votes, as was declared from the Hustings by the Returning Officer. That according to the law and practice of Elections in this Province, the said *Joseph Woods* should have been immediately declared as duly elected by the Returning Officer, and the necessary indentures should have been executed by certain Electors of the County, and your Petitioner the said *Joseph Woods* returned by the said Returning Officer as duly elected to serve for the said County of *Kent* in this Honorable House, but instead of the Returning Officer making such return, he illegally fraudulently, and improperly has refused to execute the necessary indentures, or to make such declaration or return, and has returned on the writ of Election, as your Petitioners have reason to believe, that the said *Joseph Woods* had a majority of votes, and that a scrutiny had been demanded by certain freeholders of the said County, claiming a majority of legal votes in favor of Mr. *Harrison*, to be proceeded in by the Returning Officer, and two other persons, one to be nominated by each of the said Candidates. That the said *Joseph Woods*, after the close of

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Kent Election.

the said Poll, on the last day of the Election, refused, and has always since refused to enter into such scrutiny, conceiving that according to the law of this Province, that no scrutiny could be entered into to question de legality of votes, except before this House, or a Committee appointed by this House, and that any such proceedings before or by the Returning Officer would be as illegal as unusual, and that no such scrutiny has been proceeded in ; that the conduct of the said Returning Officer, in refusing to return the said *Joseph Woods*, and in making such return as above stated, was not only manifestly illegal and unjust, but was also on that and on several other occasions, during and after the said Election, partial and improper, and unworthy the trust and confidence reposed in him as such Returning Officer, and was utterly sub-



versive of the rights and privileges of the great body of the Electors of the said County, and was and is destructive of the purity of Elections.

Petitioners therefore humbly pray that this Honorable House would direct the said *George Wade Foote*, Esquire, the said Retruning Officer, to alter and amend his said return, and to return to this Honorable House that the said *Joseph Woods*, is duly elected by a majority of forty-three votes.

*Ordered* — That the said Petition do lie upon the table.

*Ordered* — That Mr. *Aylwin* have leave to bring in a Bill for better securing the independence and uprightness of the Judges.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Independence of  
Judges Bill read and  
ordered to be printed.

The hon. gentleman ((Mr. *Aylwin*)) commented... on the great advantages that were to be derived from the introduction of such a bill into what was lately Lower Canada, and trusted that he should not have to contend with the opposition of the house in his endeavours to obtain so great a boon.<sup>13</sup>

This called up the Attorney General Mr. *Ogden*, when some discussion arose as to the printing of the bill.<sup>14</sup>

Colonel Prince begged to assure the house that there was nothing in the bill calculated to alarm the sensitiveness of hon. members. It was a bill calculated to do a great deal of good. As to the printing of it, the hon. gentleman humorously remarked, if, as it had been said, we were in a state of bankruptcy, it was quite needless to add to our burdens an expense that might be avoided.<sup>15</sup>

Mr. *Hale* argued in favour of the bill being printed ; in order that the house might more clearly understand what it meant to provide for.<sup>16</sup>

Mr. *Aylwin* could not agree with the hon. gentleman. He assured the house that he had no covert design in introducing the bill which was simply and justly what it had been described by the hon. member Colonel Prince.<sup>17</sup>

(11)

*Ordered* — That the said Bill be read a second time on *Saturday* next.

*Ordered* — That one hundred copies of the said Bill be printed for the use of Members of this House.

Petition for Glass  
Works.

A Petition of *John Decow* and others of the county of *Haldimand*, in the District of *Niagara*, was presented to the House by Mr. *Merritt*, and the same was received and read, praying that an Act may be passed to establish a company, to be called "The *Haldimand Glass Works* "Company."

*Ordered* — That the said Petition do lie upon the table.

Petition for Militia  
Law amendment.

A Petition of *Jacob Gross* and *Daniel High*, Ministers of the Menonist Church, and others, was presented to the House by Mr. *Merritt*, and the same was received and read, praying that the laws of 1836 in relation to Militia fines, may be restored and acted upon,

*Ordered* — That the said Petition to lie upon the table.

Petition for Money  
for Roads.

A Petition of *Alexander Garner* and others of the Township of *Gainsborough*, in the *Niagara* District, was presented to the House by Mr. *Merritt*, and the same was received and read, praying for a grant of fifty pounds to finish a certain road.

*Ordered* — That the said Petition do lie upon the table.

Petition of John Cole  
for Pension.

A Petition of *John Cole*, of the Township of *Louth*, in the District of *Niagara*, was presented to the House by Mr. *Merritt*, and the same was received and read, setting forth, that he has served as a British

Soldier in several engagements in *Upper Canada*, during the late war with the *United States*, under command of Capt. *Alexander Cameron*, deceased; that he is now seventy years of age, helpless, nearly blind, decrepid, and very poor, and praying that his case may be taken into consideration, and a pension granted him.

*Ordered* — That the said Petition do lie upon the table.

(12)

John Kalar, praying Relief from unjust Judgments.

A Petition of *John Kalar*, of the County of *Lincoln*, in the *Niagara* District, was presented to the House by Mr. *Merritt*, and the same was received and read, setting forth, that unjust Judgments have been awarded against him in the Court of requests and district Court, in said district, and praying relief in the premises.

*Ordered* — That the said Petition do lie upon the table.

Petition for Arrears Pension.

A petition of *Adam Stull* and *Peter Lampman* of the Township of *Grantham*, was presented to the House by Mr. *Merritt* and the same was received and read, setting forth, that they receive a pension, each, of twenty pounds per annum, under the authority of an act of the Provincial Parliament of 1838, that they were deprived of their pension for two years after passing of said act, though the conditions demanded by the same have been complied with by petitioners, and praying that such remuneration may be afforded them as tried, faithful, and loyal subjects, they are entitled to,

*Ordered* — That the said Petition do lie upon the table.

Petition for grant of money to complete Grimsby Harbour, or that it may be made a public work.

A Petition of the President and Directors of the *Grimsby* Harbor Company was presented to the House, by Mr. *Merritt*, and the same was received and read, setting forth, that an act of incorporation was granted in 1835, for building a harbour at the mouth of the 40 mile Creek in the Township of *Grimsby* with a capital of £3000. That £1200 have been subscribed, and £417,19,5 paid in; that from the depressed state of the Country for years past, and in absence of available capital, Petitioners are unable to accomplish the work, and, therefore, pray for a grant of £1500 for that purpose, or that the work may be made a public work.

*Ordered* — That the said Petition do lie upon the table.

Bill — Freedom of Elections, read.

*Ordered* — That Mr. *Baldwin* have leave to bring in a Bill, the better to provide for the Freedom of Elections throughout this Province and for other purposes therein mentioned,

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Bill — Notaries in the District of Gaspé, read.

*Ordered* — That Mr. *Hamilton* have leave to bring in a Bill to amend a certain Ordinance passed in the third year of Her Majesty's reign, intituled "an Ordinance to provide permanently for the want of "Notaries in the Inferior District of *Gaspé*, and to remove doubts "therein mentioned."

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Friday* the eighteenth day of *June* instant.

Niagara contested Election

A Petition of *Robert Melville* and *John McBride*, Electors of the Town of *Niagara*, was presented the House by Mr. *Baldwin* and the same was received, and read, setting forth :

That at the last Election of a Member to serve in this Present Parliament, for the said Town of *Niagara*, *Henry John Boulton*, Esquire, and *Edward Clarke Campbell*, Esquire, were Candidates to represent the said Town.

That a Poll being demanded, the same was granted, and proceeded on, and *John L. Alma*, Esquire acted thereat as Returning Officer.

That at and during the said Election, the said *John L. Alma* demeaned himself in an arbitrary, partial, violent, and illegal manner, greatly to the vexation of the Electors in the interest of the said *Henry*

*John Boulton*, and to the prejudice of the said *Henry John Boulton*, as such Candidate, and contrary to the duty of the said Returning Officer.

(13)

Petition against  
Niagara Election.

That the said Returning Officer frequently decided questions against the said *Henry John Boulton*, while under the influence of such violent passion and excitement, as to be incapable of exercising a sound and impartial judgment, after refusing to hear reasoning or agreement against the course he was pursuing, and with unbecoming heat and violent jesticulation, arbitrarily deciding questions against the right of Electors, to vote in favour of the said *Henry John Boulton*, where a due sense of Justice, and a calm and unbiassed consideration of the circumstances would have produced a contrary decision,

That the said *John L. Alma*, illegally, knowingly, and wilfully received colourable and fraudulent votes in favour of the said *Edward Clarke Campbell*, while he rejected votes, tendered by duly qualified Electors, in favour of the said *Henry John Boulton*, and that by these means a great many of fraudulent and colourable votes were recorded upon the Poll in favour of the said *Edward Clarke Campbell*, and many legal votes tendered in favour of the said *Henry John Boulton* were rejected,

That on closing the Poll on the fifth day of the said election, it was declared by the said Returning Officer, with the consent of the said *Henry John Boulton* and *Edward Clarke Campbell*, that the Poll should be finally closed on the following day (being the last day of the Election) at five o'clock, being the hour of adjournment on each day previously during the said Election, and that such agreement was made public by the said Returning Officer, and that his determination to close the Poll at that hour was frequently promulgated during the last day of the Election, and was fully understood by the Electors and Candidates.

That about three o'clock in the afternoon of the last day of the said Election, the said Returning Officer publicly announced his intention of polling his own vote at five minutes before five, the hour fixed for finally closing the Poll as aforesaid, and that as the hour approached, he the said Returning Officer held his watch in his hand, the said *Henry John Boulton* being then in a nominal minority, although when the hour of five arrived, he the said *Henry John Boulton* had polled the votes of a number of Electors, equal to the number of persons polled for the said *Edward Clarke Campbell*, whereupon the numbers being declared equal by the said Returning Officer at the said hour of five, he also declared "that he would not take any more votes, that the Poll was closed, that the numbers were equal, and that he would make no return"

That accordingly he did close the Poll, the Electors separating and going away, the Candidates and the Returning Officer departing from the Poll under the belief that the Poll was finally closed, nevertheless the said Returning Officer, having subsequently consulted in private with person in the interest of the said *Edward Clarke Campbell*, and in his presence, but in the absence of the said *Henry John Boulton*, determined about six o'clock to re-open the Poll,

That the arrangement so made by the Returning Officer, and agreed to by the said Candidates for closing Poll on *Saturday*, at five o'clock in the afternoon, was perfectly just to all parties, and afforded every elector in the Town a full opportunity of tendering his vote before that hour, as the voters had come in very slowly during *Friday*, and not more than ten persons polled during the whole of *Saturday*, and that if any elector had abstained from tendering his vote before five o'clock, when the Poll was closed, it was his own fault, as there were long intervals during the day when no elector appeared to vote, and therefore the Returning Officer was bound to close the Poll at the hour appointed, even had an elector tendered his vote after that hour,

That the said Returning Officer did nevertheless, in compliance with



Petition against  
Niagara Election.

(14)

the advice of the friends of the said *Edward Clarke Campbell*, illegally and improperly re-open the Poll without the knowledge or consent, and in the absence of the said *Henry John Boulton*, and did shortly afterwards admit, in favour of the said *Edward Clarke Campbell*, the votes of *Robert Reid* and *Thomas Buggans*, who notoriously had no right to vote, thereby giving a colourable majority to the said *Edward Clarke Campbell*, in violation of his duty as such Returning Officer, and to the manifest destruction of the purity of Electors.

That the said *Edward Clarke Campbell*, by himself, his agents, or managers, and by persons employed in his behalf, before, and at, and during the time of such election, was guilty of bribery and other corrupt practices, in order to procure some persons having no right to vote, and others having or claiming to have a right to vote at the said election to vote for him the said *Edward Clarke Campbell*, and to forbear to vote for the said *Henry John Boulton*, and in order to procure the said *Edward Clarke Campbell* to be returned to serve in this present Parliament.

That the said *Edward Clarke Campbell*, by himself, his agents, or workmen, erected and caused to be erected at his own expense, costs and charges, and after the teste of the said writ of election for this Town in and upon divers vacant plots of ground, in the said Town of *Niagara*, held, or pretended to be held by certain conveyances, divers small moveable buildings, intended to be represented as dwellinghouses, in order that the persons holding or pretending to hold, by virtue of such conveyances, the said plots of ground, wherever the same were placed, might vote at the Election, for the said *Edward Clarke Campbell*, under colour of such buildings being their dwelling houses, although in truth, and in fact such buildings were not dwelling houses, within the meaning of the several Acts of Parliament, in that behalf, in fraud of the elective franchise, and in violation of the purity of Election; that the foregoing, and many other circumstances, shewing the right to vote on such newly erected buildings, to have been merely colourable, were admitted before the Returning, Officer, at the Poll, by the persons so voting previous to such illegal votes being received; nevertheless, with a full knowledge of the facts, and circumstances rendering such votes colourable, the said Returning Officer admitted them to vote for the said *Edward Clarke Campbell*, contrary to his duty in that behalf. That by the foregoing, and divers other illegal, and undue means, a colourable majority of electors appears on the Poll, to have voted for the said *Edward Clarke Campbell*, whereas in truth, and in fact a majority of the *bona fide* Electors of the said Town, voted and tendered to vote in favor of the said *Henry John Boulton*.

Petitioners therefore humbly pray this Honorable House to take the premises into its consideration, and that the House will declare the return of the said *Edward Clarke Campbell*, to be illegal and void, and that the said *Henry John Boulton*, ought to have been returned, and that the return to the said writ of Election for said Town may be amended, and the said *Henry John Boulton*, declared to have been duly elected, and to be sitting member, for the said Town of *Niagara*, or that this Honorable House will grant such further relief, in the premises as to its wisdom may seem meet.

*Ordered* — That the said Petition do lie upon the table.

From the obstructions by which the regularity of the house was continually interrupted in the absence of rules for its guidance, — it was moved by **Mr. Hincks** that the house do adjourn.<sup>18</sup>

This gave rise to some discussion in which **Sir A. MacNab**, **Mr. Hincks**, **Mr. Hale**, and **Mr. Aylwin** took part. The result was that pending the report of the committee upon the subject, the rules of Lower Canada should regulate the proceedings of the house.<sup>19</sup>

Lower Canada Rules  
acted upon, pending  
Report of Committee.

(14)

On Motion of Mr. *Hale*, seconded by Mr. *Cameron*,  
*Resolved*—That, pending the Report of the Special Committee  
appointed to frame Rules and Regulations for the Government of this  
House, the Rules and Regulations of that part of this Province, late  
the Province of Lower *Canada*, be adopted and acted upon.

On motion of Sir *Allan MacNab*, — seconded by Mr. *Strachan*,

Rules and  
Regulations.

(15)

*Ordered*—That Mr. Attorney General *Ogden*, and Mr. Attorney  
General *Draper*, be added to the Committee appointed to frame Rules  
and Regulations for the Government of the House,

Then, on motion of Mr. *Cartwright*,<sup>20</sup>

The House adjourned<sup>21</sup> until one o'clock P. M. tomorrow.

#### Appendix, 15 June 1841.

#### ((Robert Baldwin's Explanation of his Resignation from Executive Council.))

Mr. Baldwin, upon the question for adjournment, rose and said, he had no intention of opposing the motion, but with the permission of the House, he would explain what might perhaps be considered an inconsistency in his (Mr. Baldwin's) conduct in not declaring, during the discussion of yesterday, the principles which should govern his political conduct. He would avail himself of this, the first opportunity he had had, of explaining why he had left his seat on that occasion. Having tendered his resignation of the situation which he had held under the Government, he had waited for the announcement of the acceptance of that resignation. He should not have made this announcement but for the apparent want of courtesy which might be attributed to him; or by some, perhaps, it might be considered that he was shrinking from the performance of a public duty. He thought it due to the House to explain why he had continued silent on that occasion; of course he could not speak to the question so long as he continued a member of the Government, without at the same time rendering the Government in some degree a participator in the sentiments which he might take occasion to deliver. He could only content himself with giving his vote, and that vote he had given according to his conscience; and although he would not further trespass upon the time of the House at the Present moment, yet when the proper time had arrived, he would be prepared to justify the course which he had taken (hear, hear, hear); he would be prepared to give to the house and country what the house and country had a right to require from him, namely a full explanation of his political views, and in the *interim*, he would appear to every hon. member of that house, both those who had done him the honour to place some degree of confidence in his political integrity, and also those to whom he had uniformly been opposed, to suspend their judgments, and before he sat down, he would beg permission to offer one word of advice to those gentlemen, both in that house and elsewhere, who had done him the honour to express their confidence in his political integrity, and he hoped they would view it in the same light as ((he)) himself did, as a matter of the utmost importance that they should always thenceforth *be united, be firm, be moderate*; and he believed if this advice should be followed, they would yet have the satisfaction of being instrumental in the regeneration of our country, and of placing the administration of the affairs of Government on a firm and sure basis — on a footing of equal justice to all. (Hear, hear, hear.)<sup>22</sup>

Footnotes — 15 June 1841.

1. BRITISH COLONIST, 23 June 1841. LE CANADIEN, 18 June 1841 also contains an account of this.
  2. IBID.
  3. IBID.
  4. EXAMINER, 23 June 1841.
  5. IBID.
  6. MONTREAL GAZETTE, 18 June 1841.
  7. IBID.
  8. IBID.
  9. IBID.
  10. EXAMINER, 23 June 1841.
  11. BRITISH COLONIST, 23 June 1841.
  12. MONTREAL GAZETTE, 18 June 1841. The EXAMINER, 23 June 1841 also contains an account
  13. BRITISH COLONIST, 23 June 1841.
- of Thorburn's remarks.

14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. "After many interruptions and cries of adjourn, adjourn...." IBID.
21. "...at a quarter past five o'clock." IBID.
22. KINGSTON CHRONICLE, 19 June 1841. This explanation is not noted in the Journals, but newspaper reports agree that Baldwin spoke during the afternoon sitting. For other accounts of his speech see BRITISH COLONIST, 23 June 1841; MONTREAL GAZETTE, 18 June 1841; LE CANADIEN, 18 June 1841; EXAMINER, 23 June 1841; ST. CATHARINES JOURNAL, 17 June 1841.



**Wednesday, 16 June 1841.**

(15)

On motion of Sir *Allan MacNab*, seconded by Mr. *Prince*,<sup>1</sup>

**Sir A. MacNab** moved for a new writ for Middlesex: Thomas Parke, Esq. having vacated his seat by accepting the Surveyor Generalship.<sup>2</sup>

**Mr. Durand** said he did not rise for the purpose of opposing the motion of the hon. and learned gentleman, but before proceeding with the question, he would observe that it was his intention shortly, to bring in a bill for securing the freedom of Elections. He considered it absolutely necessary that such a bill should be passed before any new Election should take place. (Hear, hear, hear.) He would nevertheless support the present motion, with the understanding that no new application of a similar nature should be made previous to the introduction of the measure which he proposed to bring forward.<sup>3</sup>

**Col. Prince** said he was sorry to interrupt the hon. member, but he really thought it was altogether out of order to interrupt the passing of a measure of this description which was so intimately connected with the privileges of the house, and the rights and liberties of the subjects of this Province.<sup>4</sup>

**Mr. Hincks** observed that the hon. and learned gentleman was mistaken in supposing that his hon. friend was out of order. The House of Assembly had in former instances, in order to secure the freedom of election, refused to allow an application of the kind, until a Bill had been passed providing for the security and freedom of the contemplated election. The hon. and learned and gallant Col. is himself perfectly aware, that there are several petitions to be brought into this House at its present session, complaining of undue returns, on the grounds of violence, and it was his (Mr. Hincks') firm conviction that there are many places in the Province, where it is impossible to hold election free from riot. He (Mr. Hincks) had no disposition to offer a facitious (sic) opposition (hear, hear.)<sup>5</sup>

**Col. Prince** remarked by way of explanation, that the present was a case entirely independent of Electioneering differences. It was simply this, an hon. gentleman had accepted office under the government, by which he vacated his seat in the house. An application had merely been made to the house, to issue a new writ to supply his place.<sup>6</sup>

**Mr. Morin** said he would merely mention that in England the practice was in all cases in which it was considered necessary to move that the action of the house should be suspended until proper provision were made to meet the exigency of the case. But in this instance he (Mr. M.) really thought there was no necessity for such a course. He could see no impediment whatever to issuing the writ at once. But if those acts of violence which were spoken of had really occurred (sic), the House would not only be perfectly justified in withholding the issuing of a new writ until such a measure were passed, as the hon. gentleman had spoken of, but it would be their imperative duty so to do.<sup>7</sup>

**Mr. Hale** said, it appeared to him that the hon. gentleman had overlooked a very material point. As to the necessity of passing such a law as would secure, if possible, the freedom of elections, there seemed to be no question. But he would ask the hon. members if they were disposed to allow the county of Middlesex to remain unrepresented during the passing of the law?<sup>8</sup>

**Mr. Price** said he rose not for the purpose of opposing the present motion, but for the purpose of stating that he was determined to oppose every application for the issuing of new

writs until proper provision were made for securing the freedom of Elections, as long as he had the honor of a seat in that house — he to the full extent of his power would protect the freedom of Elections.<sup>9</sup> Mr. Price was determined to oppose all writs where violence had taken place; a resolution that was confirmed by the excesses that he had witnessed during his own Election.<sup>10</sup>

Mr. Boswell said it was not at all surprising that there should be an universal cry for a law which should have for its object the securing to the Electors of this Province full protection in the exercise of this Elective franchise — a measure of that description was imperatively required.<sup>11</sup>

Mr. Baldwin asserted, that unless a powerful barrier was opposed to the ruffianism exhibited in Electioneering struggles, there was no personal security for Electors. That in the present state of things, it was dangerous to exercise the franchise.<sup>12</sup>

Mr. Cartwright pronounced such assertions to be a libel.<sup>13</sup>

Mr. Baldwin concurred in the opinion, that the protection of the freedom of Elections was a measure which required their earnest attention. That riots of a most disgraceful character had occurred both in the Upper and Lower portions of the Province, was perfectly well known to all.

To such an alarming extent had the practice of violence and intimidation been carried, that even the members of the administration in one part of Canada at least, had been parties to them. (Hear, hear.) He wished it to be understood, however, that he was far from believing that the representative of a Constitutional Sovereign had taken part in any such proceeding; and he had hoped that His Excellency in his Speech from the Throne would have made some recommendation for the prevention of this recurrence. He thought the House would be fully justified in deferring the writs of Election in all future cases until a Bill should be passed. But, although, under the peculiar circumstances by which the seat for Middlesex had become vacant — it would appear that the House is bound to issue a new writ immediately; yet it does not necessarily follow that this House is bound to issue a new writ in all cases. Although the County of Middlesex was not on this occasion the scene of these riots, it was not many years ago the scene of a most disgraceful riot. (Hear, hear, hear.)

By voting for the present motion he did not intend to give any pledge for his vote on future application for the issuing of new writs of Election.<sup>14</sup>

Atty. Gen. Draper said that after the words which had fallen from the hon. and learned Gentleman, there could be no doubts of the right of this House to exercise its own discretion. He would not differ from that hon. Gentleman upon that point, all that he would say at the present moment was, that he did not think it necessary to defer the issuing of a writ merely, because there was a bare possibility that a protective measure might be required. His hon. friend had drawn very truly a distinction between cases of violence and the case of a seat having been vacated by the acceptance of office; and he, (Mr. Draper) thought that the latter was a case in which the House should take care that a constituency should not be for one moment unrepresented. With reference to the members of the administration having been parties to acts of violence, and undue interference in Elections, it is quite clear that if the administration is to be made answerable for the riotous proceedings which take place at Elections, it will be essentially and in fact a responsible administration. (Laughter,) so that the object so earnestly desired by that hon. Gentleman (Mr. Baldwin) has been already attained, (hear, hear,) and this might possibly, be the grounds for the hon. Gentleman's leaving us. (Hear, hear.)<sup>15</sup> He would add one other remark, that that hon. Gentleman was better acquainted than himself with all practical questions of Legislation.<sup>16</sup>

(15)

New Writ to issue  
for Middlesex.

Ordered — That Mr. Speaker, do issue his warrant to the Clerk of the Crown in Chancery, to make out a new writ for the Election of one Knight of the shire, to serve in the present Parliament, for the County of *Middlesex*, in the room and place of *Thomas Parke*, Esquire, who, since his Election, hath accepted the office of Her Majesty's Surveyor General for this Province.

A Petition of *William Dunlop*, of Gairbraid, in the County of *Huron*, Esquire, was presented to the House by Mr. *Prince*, and the same was received and read setting forth :

Petition against the  
Huron Election.

That at the last Election for the county of *Huron*, the Petitioner and *James McGill Strachan*, of the City of *Toronto*, Esquire, were the only Candidates for the representation of the said County, and that *Henry Hyndman* of the said County, Esquire, executed the office of Returning Officer at the said Election.

That a Poll being demanded for each Candidate, the same was granted and proceeded on from the twenty-second day of *March*, until the twenty-seventh day of the same month, when the said Returning Officer declared the majority to be in favor of the said *James McGill Strachan*; the number polled for the Petitioner being 149, and for the said *James McGill Strachan*, 159, and the said *James McGill Strachan*, was thereupon returned by the said Returning Officer as duly elected.

That at the said Election divers persons claiming to vote in respect of estates held by them under deeds of conveyance, were admitted to poll for the said *James McGill Strachan*, and counted on the poll in his favor, who were not intitled to vote at the said election, they not having been in actual possession, or in receipt of the rents and profits of the estates in respect of which they voted, by virtue of the said respective deeds of conveyance to them, for twelve calender months, next before the said election; nor the said deeds of conveyance, under which they claimed to hold the estates in respect of which they severally voted, having been registered twelve calender months, before the holding of the said election.

That also votes were polled and given in favor of the said *James McGill Strachan* by persons who had not in fact, at the time of the said election, any freehold in the lands in respect of which they voted, that also several persons voted at the said election in favor of the said *James McGill Strachan*, who were not at the full age of twenty-one years at the time of holding the said election.

That by the admission of persons to vote at the said election, who from the above, and other various legal disabilities, were incompetent to vote for any candidate at the said election, the said *James McGill*

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*Strachan* obtained a colourable majority of ten votes, and was therefore returned to serve in this Honorable House for the said county of *Huron*, to the great prejudice of the Petitioner, who had, upon the said election, as he submits it will appear, upon a scrutiny of the poll, a majority of good and legal votes, and is therefore entitled to take his seat in this Honorable House, as the representative member of the said county.

Petitioner therefore humbly prays, that the said *James McGill Strachan* may be declared not duly elected, and that the Petitioner may be declared duly elected and may be substituted in the place of the said *James McGill Strachan*, to take his seat as knight to represent the said county in the present Provincial Parliament, and that this Honorable House will grant such further relief to Petitioner as the merits of the case may require.

*Ordered*—That the said Petition do lie upon the table.

Upon an enquiry of **Mr. Hincks**, respecting the time for entering upon the trial of contested Elections, **Col. Prince** stated that according as the law stood, fourteen days were allowed to elapse before any action could be had upon any petition on contested Elections.<sup>17</sup>

(16)

A Petition of *David Roblin*, and others, freeholders of the incorporated counties of *Lennox* and *Addington*, in the *Midland* District, was presented to the House by *Mr. Hincks*, and the same was received and read, setting forth :

That the Petitioners are freeholders in the incorporated counties of *Lennox* and *Addington*, in the *Midland* District of the said Province, and as such are entitled to vote at the election of a member to represent

Petition against *Lennox* and *Addington*  
Election.



the said incorporated counties in the Legislative Assembly of the said Province.

That at the election of such member of the Legislative Assembly for the said incorporated counties, held at *Bath*, on *Monday* the fifteenth day of *March* last, *Benjamin Ham*, Esquire, and *John Solomon Cartwright*, Esquire, were respectively proposed as candidates to represent the said incorporated counties in such Legislative Assembly, and *Allan McDonell*, Esquire, the sheriff of the said *Midland District* acted as the Returning Officer and presided at the said election.

That the said *John Solomon Cartwright*, by means of bribes, treats, rewards, or favors, or promises of bribes, treats, rewards, or favors, paid, given, or offered, or promised to be paid or given by himself, or others, as his friends, agents, committee, or supporters, to divers freeholders and electors of the said counties, and by threats and intimidation, and other corrupt and illegal acts, induced certain of such electors to tender their votes at the said election, for him the said *John Solomon Cartwright*, and the said *Allan McDonell* admitted the votes of such electors for the said *John Solomon Cartwright*.

That the said *John Solomon Cartwright*, by reason of such bribes, treats, or favors, or promises thereof, and by the said threats and intimidation, and other corrupt and illegal conduct, became and was and is disqualified from sitting in this present Parliament as a member of the Legislative Assembly, and ought not to have been returned, as the member for the said counties at the late election.

That during the said election, the said *Allan McDonell* conducted himself as such Returning Officer, in an arbitrary, partial, illegal and overbearing manner, in order to intimidate the electors at the said election, and to favour the said *John Solomon Cartwright*, and that by reason thereof, freeholders, desirous of tendering and recording their votes in favor of the said *Benjamin Ham*, were prevented from so doing, and the said *Allan McDonell*, by the rejection of good votes tendered for the said *Benjamin Ham*, and also by his arbitrary, partial, illegal, and overbearing conduct, induced the said *Benjamin Ham*, to relinquish the contest, when many votes remained unpolled, and the said *Allan McDonell*, illegally and improperly returned the said *John Solomon Cartwright*,

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as dully elected, although the said *John Solomon Cartwright*, was and is disqualified, as above set forth, from sitting in the said Legislative Assembly; and the majority on the poll in favour of the said *John Solomon Cartwright*, was only collusive and colourable, and the said *Benjamin Ham*, was and is entitled to the majority of the good and legal votes.

Petitioners therefore humbly pray the House to enquire into the merits of the said election, and the conduct of the said *John Solomon Cartwright*, and *Allan McDonell*, in regard thereto, and to relieve the petitioners, either by requiring the said *Allan McDonell*, to amend the return made by him of the said *John Solomon Cartwright*, by inserting the name of the said *Benjamin Ham*, in such return, in place of that of the said *John Solomon Cartwright*, disqualified from sitting in the Legislative Assembly, by reason of the bribery and other corrupt and illegal acts, committed by him the said *John Solomon Cartwright*, as above mentioned, or cause a new writ to issue for the election of a fit and proper person to represent the said counties of *Lennox* and *Addington*, in place of the said *John Solomon Cartwright*. Petitioners crave permission to offer evidence in support of the allegations of their petition, before a Committee of this Honorable House, which may be appointed to try the merits of the said election.

*Ordered* — That the said Petition do lie upon the table.

A Petition of *Benjamin Ham*, of the township of *Ernestown*, was presented to the House by Mr. *Hincks*, and the same was received and

Petition against Lennox and Addington election.

read, setting forth : that at the election of a member to serve in the first Parliament to be holden in the united Province of *Canada*, for the incorporated counties of *Lennox* and *Addington*, which said election was held at the village of *Bath*, in the said incorporated counties, on *Monday*, the fifteenth day of *March* last, petitioner and *John Solomon Cartwright*, now the sitting member, were respectively proposed as candidates to represent the said incorporated counties in the Legislative Assembly of the said first Parliament, and *Allan McDonell*, Esquire, the Sheriff of the said *Midland* District, acted as the Returning Officer, and presided at he said election.

That the said *John Solomon Cartwright*, by means of bribes, treats, rewards, or favors, paid, given, or offered, or promised to be paid or given by himself or by others, as his friends, agents, committee, or supporters, to divers freeholders and electors of the said counties ; and by threats and intimidation, and other corrupt and illegal acts, induced certain of such electors to tender their votes at the said election, for him the said *John Solomon Cartwright*, and the said *Allan McDonell* admitted the votes of such electors, for the said *John Solomon Cartwright*.

That the said *John Solomon Cartwright*, by reason of such bribes, treats, or favors, or promises thereof, and by the said threats and intimidation, and other corrupt and illegal conduct, become, and was, and is disqualified from sitting in this present Parliament, as a member of the Legislative Assembly, and ought not to have been returned as the member for the said counties at the late election.

That during the said election, the said *Allan McDonell* conducted himself, as such Returning Officer, in an arbitrary, partial, illegal, and overbearing manner, in order to intimidate the electors at the election, and to favor the said *John Solomon Cartwright*, and that by reason thereof, freeholders desirous of tendering and recording their votes in favor of petitioner, were prevented from so doing ; and the said *Allan McDonell*, by the rejection of good votes tendered for petitioner, and also by his arbitrary, partial, illegal, and overbearing conduct, induced the Petitioner to relinquish the contest, when many votes remained

(18)

unpoll, and the said *Allan McDonell*, illegally, and improperly returned the said *John Solomon Cartwright*, as duly elected, although the said *John Solomon Cartwright*, was and is disqualified, as above set forth, from sitting in the said Legislative Assembly, and the majority on the poll, in favor of the said *John Solomon Cartwright*, was only collusive and colourable, and that petitioner was and is entitled to the majority of the good and legal votes.

Petitioner therefore prays the House to inquire into the merits of the said election, and the conduct of the said *John Solomon Cartwright*, and *Allan McDonell* in regard thereto, and to relieve petitioner either by requiring the said *Allan McDonell*, to amend the return made by him of the said *John Solomon Cartwright*, by inserting the name of petitioner in such return in place of that of the said *John Solomon Cartwright*, disqualified from sitting in the said Legislative Assembly, by reason of the bribery and other corrupt and illegal acts committed by him the said *John Solomon Cartwright*, as above mentioned, or cause a new writ to issue for the election of a fit and proper person to represent the said counties of *Lennox* and *Addington*, in the place of the said *John Solomon Cartwright*.

Petitioner craves permission to offer evidence in support of the allegations of this petition, before the committee of this House, to be appointed to try the merits of said election.

*Ordered*—That the said Petition do lie upon the table.

A Petition of divers freeholders residing in the district of *Gore*, was presented to the House by Mr. *Durand*, and the same was received and read, praying to be incorporated for the purpose of making a turnpike

Petition against Lennox and Addigton election.

Turnpike, district of Gore.

road up the mountain, east of Mr. *Rees Tunis*, of *East Flamborough*, in the district of *Gore*.

*Ordered* — That the said Petition do lie upon the table.

Petition of Cyprian Morgan for Naturalization.

A Petition of *Cyprian Morgan*, of the township of *Yonge*, in the district of *Johnstown*, was presented to the House by Mr. *Morris*, and the same was received and read, setting forth his desire to become possessed of the rights and privileges of a British Subject, and praying that a law may be passed conferring the same upon him.

*Ordered* — That the said Petition do lie upon the table.

Petition of H. Clarke for Naturalization.

A Petition of *Harvey Clarke*, of the Township of *Yonge*, in the District of *Johnstown*, was presented to the House by Mr. *Morris*, and the same was received and read, setting forth same as last.

*Ordered* — That the said Petition do lie upon the table.

Petition of R. J. Turner for authority to practice the Law.

A Petition of *Robert J. Turner*, of the Town of *Kingston*, was presented to the House by Mr. *Price*, and the same was received and read, setting forth : that petitioner is duly admitted a Solicitor and Attorney, and hath practised in the Courts of Chancery, Queen's Bench, Common Pleas, and Exchequer, in England, for a period of 18 years, and hath been engaged for some time as an Equity draftsman, in this Province, and being desirous to practice as a Solicitor in the Court of Chancery, and Attorney in the Queen's Bench, humbly prays that an act may be passed to authorise the Court of Chancery and Court of Queen's Bench of this Province, respectively, to admit him to practice therein as a Solicitor and Attorney.

*Ordered* — That the said Petition do lie upon the table.

Contested Election of county of Kent.

On motion of Sir *Allan MacNab*, — seconded by Mr. *Aylwin*.

*Ordered* — That *Thomas Amiot*, Esquire, Clerk of the Crown in chancery, do appear before this House, tomorrow, the seventeenth day of *June* instant, with the Return of the County of *Kent*, and that he do lay the same before this House.<sup>18</sup>

Mr. *Small* said that this was not the proper way to proceed — the petition should lie upon the table, and be considered in its turn, after the customary notice.<sup>19</sup>

Mr. *Roblin* suggested that it would be proper to appoint a select Committee to enquire into the conduct of the Returning Officer.<sup>20</sup>

Sir *Allan MacNab* said he thought the question with regard to contested Elections should be disposed of. He had had the honor of presenting a Petition complaining of the Election for the County of *Kent*, and he was prepared to show authorities to prove that the Clerk of the Crown in Chancery, might be instructed to order the Returning Officer to amend his return. If that Returning Officer had conducted himself in the manner it had been represented to him, it would be highly improper that he should be allowed to escape punishment. — (Hear, hear.)<sup>21</sup>

Mr. *Small* objected to this course of procedure, as not being in order.<sup>22</sup>

The Speaker ((Mr. *Cuvillier*)) said Sir *Allan* was in order.<sup>23</sup>

Mr. *Thorburn* observed, that the House ought to be in possession of facts, not assertions, before the Clerk in Chancery was called down to amend the Return.<sup>24</sup>

Col. *Prince* said it was not his intention to oppose the motion of the hon. and learned Gentleman, but as he (Col. *Prince*) had a knowledge of the particulars of the case, he could not sit still and allow a prejudice to be created against the Returning Officer, whilst they had nothing before the House upon which to form their judgments, except the bare assertion of the petitions, and upon looking at the petition itself, it would be found contradictory in itself. Charging the Returning Officer with fraud in not making a return, and in the very next sentence declaring that he returned Mr. *Woods* by a majority of Fifty-three. He would protest against any hon. Gentleman speaking warmly against the conduct of that Officer, upon so imperfect information as they were at present in possession of.<sup>25</sup>



Mr. Morin considered the motion to be in order.<sup>26</sup>

Mr. Hincks said he thought it quite competent for the House to order the return to be amended.<sup>27</sup>

Mr. Durand from the observations of hon. members, was led to understand that this was a special return.

Cries of question ! question !<sup>28</sup>

Mr. Boswell was desirous that previous to the question being put, the house should be in possession of the proper mode of proceeding.<sup>29</sup>

Mr. Aylwin was surprised that so plain and intelligible a motion should have given rise to any misconception. It was simply calling upon the Clerk of the Crown Office to produce the writ returning the member for Kent. When in possession of this return the house could proceed to adopt any ulterior measures that it thought proper.<sup>30</sup>

Mr. Johnston excited some little amusement by his peculiar mode of elucidating the question....<sup>31</sup>

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Contested Election of  
the County of  
Montreal

A petition of divers electors of the County of *Montreal*, was presented to the House by the Honorable Mr. Neilson, and the same was received and read, setting forth,

That an election was held on *Monday* the twenty-second day of *March* last, at the Village of *St. Laurent*, by E. M. Leprohon Esquire, Returning Officer, and for the purpose of choosing a member to represent the said County in the Assembly of the Province.

The candidates were A. M. Delisle and James Leslie, the latter having been declared to have the shew of hands in his favor, a Poll was demanded by the supporters of A. M. Delisle, which was opened by the Returning Officer, who continued to receive for about the space of an hour without interruption, the votes of the electors.

At this period the majority in favor of James Leslie, was rapidly increasing, when a most brutal attack was made upon his supporters by a number of hired bullies and other persons in the interest of the said A. M. Delisle, which resulted in the death of one person, and in grievous bodily injuries to many.

In consequence of the riot, the Returning Officer adjourned the Poll until the following day, for the purpose of obtaining, as he publicly declared, the assistance of the military in order to enable him to preserve order.

The Poll was re-opened next morning by the Returning Officer, although he had been refused military assistance, and was aware that the village was occupied by a large body of men brought from a distant county, in that part of the Province, formerly known as *Upper Canada*, together with an immense number of persons from town, partizans of the said A. M. Delisle, at whose head was a man who the evening before advised them to accompany him to the election with fire arms, to avenge the death of the bully, who was killed the previous day, and prevent the return of the said James Leslie.

By these men the electors residing in *St. Laurent* were driven from their homes, and those who had come from the adjoining parishes returned, rather than have recourse to violence, which must have terminated with bloodshed before they could have approached the Poll.

Notwithstanding these occurrences, and the protest of the other candidate the Returning Officer considered it his duty to return A. M. Delisle as duly elected.

Petitioners therefore pray that, in consequence of the violence used by the supporters of the said A. M. Delisle, to prevent the electors from peaceably recording their votes, this House will either declare

that *James Leslie*, who at the time the riot commenced and the Poll was adjourned, was in the majority, should have been returned, or cause the election to be annulled, and afford an opportunity to the county, freely to elect the person of its choice.

In the latter case Petitioners pray that the House would adopt such measures as in its wisdom may seem meet to prevent the occurrence of similar scenes, otherwise they must cease to exercise their elective franchise, or go armed to resist, with effect, any attempt that may be made to interfere with them in the exercise of their constitutional rights.

Petitioners further impress upon the House the necessity of an immediate investigation into the disgraceful occurrences that have taken place at several of the elections in this district, in order to bring to condign punishment, the conspirators, who have dared, by the means of hired bands of armed ruffians, to murder and maltreat the electors, and impose upon them as their representatives, persons in whom they have no confidence.

*Ordered* — That the said Petition do lie upon the table.

Contested Election of  
the County of  
Montreal

(20)

A Petition of *James Leslie*, of the City of *Montreal*, Merchant, was presented to the House by the Honorable Mr. *Neilson*, and the same was received and read, setting forth :

That an election was held on *Monday* the twenty-second day of *March* last, at the village of *St. Laurent* by *E. M. Leprohon*, Esquire, Returning Officer, for the purpose of choosing a member to represent the county of *Montreal* in the Legislative Assembly in the Province.

That the Candidates were *A. M. Delisle*, Esquire, one of the Clerks of the Peace for the District, and the Petitioner, who having been declared to have the shew of hands in his favor, a poll was demanded by the supporters of the said *A. M. Delisle*, which was opened by the Returning Officer, who continued to received for about the space of an hour without interruption the votes of the electors.

That at this period the majority in favor of the petitioner was rapidly increasing, when a most brutal attack was made upon his supporters by a number of hired bullies, and other persons in the interest of the said *A. M. Delisle*, which resulted in the death of one person, and in grievous bodily injuries to many.

That in consequence of the riot, the Returning Officer adjourned the poll until the following day, for the purpose of obtaining, as he publicly declared, the assistance of the Military, in order to enable him to preserve order.

That the poll was re-opened next morning by the Returning Officer, although he had been refused Military assistance, and was aware that the village was occupied by a large body of men brought from a distant county, in that part of the Province formerly known as *Upper Canada*, together with an immense number of persons from town, partizans of the said *A. M. Delisle*, at whose head was a man who, the evening before, ordered them to accompany him to the election with fire arms, to avenge the death of the bully that was killed the previous day, to prevent the return of the Petitioner.

That by these men the electors residing in *St. Laurent* were driven from their homes, and those who had come from the adjoining parishes, returned rather than have recourse to violence, which must have terminated in bloodshed before they could have approached the poll.

That notwithstanding these occurrences and the protest of the Petitioner, the Returning Officer proclaimed *A. M. Delisle*, as duly elected. And Petitioner prays that, in consequence of the violence used by the supporters of the said *A. M. Delisle*, to prevent the electors from peaceably recording their votes, that the House will either declare that the Petitioner, who at the time the riot commenced and the poll was adjourned, was in the majority, should have been proclaimed as duly

elected, or cause the election to be annulled, and afford an opportunity to the county freely to elect the person of its choice.

*Ordered* — That the said Petition do lie upon the table.

Petition in behalf of  
Timber Trade.

A Petition of *William Walker*, and other inhabitants of the City of *Quebec*, was presented to the House by the Honorable Mr. *Neilson*, and the same was received and read, setting forth :

That the export trade of this Province in Timber and Deals has grown to a great extent, under protecting duties established by the Imperial Parliament since 1810, and since maintained with one exception, namely, the imposition of a duty of 10s. per load on Canadian Timber, in 1821 : that the Inhabitants of the colonies have confided in the regulations made by acts of the Imperial Parliament in its wisdom unsolicited by them. That the supply of British Manufacture is chiefly obtained by means of this trade ; that the alarm has become general,

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fearing change in the protection heretofore given to the said trade, by recent proceedings in the Imperial Parliament ; and praying that such representations may be made to Her Majesty, as to the wisdom of the Assembly may seem meet and expedient.

*Ordered* — That the said Petition do lie upon the table.

Petition in behalf of  
Timber Trade.

Petition to be Printed

*Ordered* — That one hundred copies of the said Petition, be printed in the English and French languages, for the use of the members of this house.

Petition on subject of  
Dower.

A Petition of divers inhabitants of the *Home* District, was presented to the House by Mr. *Small*, and the same was received and read, setting forth — That doubt and anxiety have lately arisen respecting the law of dower. — That a very general practice prevails of taking deeds of conveyance, without reference to the law of dower — That a question has arisen, which is likely to cause much difficulty, and litigation, in absence of any defined law, in respect to rights of widows to improvements made on lands subsequent to conveyance made by their husbands, and praying for an act for remedy thereof.

*Ordered* — That the said Petition do lie upon the table.

Petition — Bank at  
St. Catharines.

A Petition of *George Rykert*, and others, inhabitants of the District of *Niagara*, was presented to the House by Mr. *Merritt*, and the same was received and read, setting forth — That they have addressed memorials to the Provincial Parliament, from year to year since 1834, praying for the establishment of a Bank at *Saint Catharines* — That a Bill has several times, passed the House of Assembly, to charter such Bank, but never received the Royal assent — That they have been refused privileges, granted to other portions of the province, and praying that the increased business on the *Welland Canal*, and in the district generally, may induce the House to grant them a charter with a capital of five hundred thousand pounds.

*Ordered* — That the said Petition do lie upon the table.

Petition for authority  
to loan money for  
improving roads.

A petition of *John Grubb*, *Thomas Musson*, and others, inhabitants of the Townships of *Etobicoke*, *Vaughan*, *King*, and other places in the *Home* District, was presented to the House by Mr. *Price*, and the same was received and read, setting forth — That the road leading from the *Peacock Inn*, on *Dundas* street, through said townships, is the only great thoroughfare to a rich, and fertile section of the *Home* District ; that it would conduce greatly to the prosperity of the inhabitants of said townships, and others, if said line of road, or a portion of it were planked, drained, and made straight ; that tolls might be collected to pay principal, and interest of £3,500 ; which sum would improve said road in manner desired for a distance of six miles — Petitioners, therefore, pray that a bill may be passed authorising the raising by loan



the sum of £3,500, or such other sum, as to the wisdom of the House may seem meet for the accomplishment of said improvement.

*Ordered* — That the said Petition do lie upon the table.

Bill for Relief of  
Disabled and Infirm.

*Ordered* — That Mr. Merritt, have leave to bring in a bill for the relief of disabled, and infirm persons.

He accordingly presented the said bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said bill be read a second time on monday week,

Petition for authority  
to build a bridge  
across the Grand  
River.

A Petition of divers Inhabitants of the *Grand River Lands*, in the county of *Haldimand*, in the District of *Niagara*, and of other adjacent places, in the District of *Gore*, was presented to the House by Mr. *Thompson*, and the same was received and read, setting forth, the necessity of the erection of a bridge across the *Grand River*, at the

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Petition for authority  
to build a bridge  
across the Grand  
River.

village of *Caledonia*, in the county of *Haldimand* — That Petitioners and others have already subscribed about £400 towards the erection of a bridge over the *Grand River* at said place, and that sufficient will speedily be obtained for the accomplishment of said object, if a law be passed authorising the same, and praying that an act may be passed, for the purpose, authorising the levying of tolls, or under such regulations as may seem meet to the House.

*Ordered* — That the said Petition do lie upon the table.

Newspapers to be  
subscribed for  
by Clerk.

On Motion of Mr. *Black*, seconded by the Hon. Mr. *Moffatt*.

*Resolved* — That the Clerk of this House be authorised to subscribe for the newspapers published in this province, for the purpose of being laid on the table of the library, and to complete the files already therein for the use of the members.

Bill for improvement  
of Administration of  
Justice.

*Ordered* — That Mr. *Black*, have leave to bring in a bill for improving the administration of criminal justice in this Province.

He accordingly presented the said bill to the House, and the same was received and read for the first time.

*Ordered* — That the said bill be read a second time upon this day fortnight.

Bill for Amending  
Laws — Larceny  
and other offences.

*Ordered* — That Mr. *Black*, have leave to bring in a bill for consolidating, and amending the laws in this province, relative to larceny and other offences connected therewith.

He accordingly presented the said bill to the House, and the same was received and read for the first time.

*Ordered* — That the said bill be read a second time upon this day fortnight.

Bill — Benefit of  
Clergy — Larceny,  
Injuries to person,  
&c. — repeal.

*Ordered* — That Mr. *Black* have leave to bring in a bill for repealing various statutes in this province, relative to the benefit of clergy, and to larceny, and other offences connected therewith, to malicious injuries to property, and to offences against the person.

He accordingly presented the said bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said bill be read a second time upon this day fortnight.

Bill — Offences  
against the person.

*Ordered* — That Mr. *Black*, have leave to bring in a bill for consolidating, and amending the laws in this province, relative to offences against the person.

He accordingly presented the said bill to the House, and the same was received and read for the first time.

*Ordered* — That the said bill be read a second time upon this day fortnight.

Bill — Malicious  
injuries to property.

*Ordered* — That Mr. *Black*, have leave to bring in a bill for consolidating and amending the laws in this province, relative to malicious injuries to property.

He accordingly presented the said bill to the House, and the same was received and read for the first time.

*Ordered* — That the said bill be read a second time upon this day fortnight.

Petition of Ichabod  
Wing for indemnity.

A Petition of *Ichabod Wing*, of *Chautauque*, in the State of *New York*, was presented to the House by Mr. *Morris*, and the same was received, and read, setting forth — That in the year 1813, petitioner was called upon to bear Arms, as a militia man ; but being a member, or associate of the society called *Quakers* or *Friends*, conscientiously

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Petition of Ichabod  
Wing for indemnity.

refused ; that he was fined, and committed to the gaol of the district ; that while confined, as aforesaid, namely on the 7th day of *February* A. D. 1813, a party of Troops from the *United States*, under a Captain *Forsyth*, forcibly took possession of said gaol, and carried away the petitioner with many other British Subjects, as prisoners to *Ogdensburg* in the State of *New York* ; that he never bore arms against the British Government nor took the oath of allegiance to any foreign power, nor done any act contrary to his duty as a British Subject — That when taken prisoner, as aforesaid, he was the owner of four hundred acres of Land in the 5th and 6th concessions of *Elizabethtown*, which was forfeited and vested in the crown in consequence of his so leaving the province, which land has since been sold ; and praying for authority to traverse the inquisition by which his land became forfeited, or such other relief as may be thought meet.

*Ordered* — That the said Petition do lie upon the table.

Petition contested  
election, county of  
Terrebonne.

A Petition of *A. Gigonell*, *Jean Bte. Constantin*, and others, electors of the county of *Terrebonne*, was presented to the House by Mr. *Aylwin* and the same was received and read, setting forth,

That an election was held on *Monday* the twenty-second day of *March* last, at the place commonly called *New Glasgow*, in the said county, by *John McKenzie*, Esquire, Returning Officer, for the purpose of choosing a member to represent the said county of *Terrebonne* in the Legislative Assembly of the said Province.

That the candidates were *Louis Hypolite Lafontaine*, Esquire, Advocate, of the City of *Montreal*, and Dr. *Michael McCulloch*, Physician, of the same place, who both appeared on the Hustings ;

That after having gone through all the preliminary forms as prescribed by Law, the said Returning Officer did require the electors then and there present, to name the person of whom they were willing to make choice, as a member, to serve in the said Assembly, for the said county of *Terrebonne*, when the said *Louis Hypolite Lafontaine*, had the show of Hands in his favor, whereupon a poll was demanded by Dr. *Michael McCulloch*, or some of his supporters ; and that afterwards, amidst violence and blood shed which forced the said *Louis Hypolite Lafontaine*, to withdraw by protesting against the Returning Officer, the said Dr. *Michael McCulloch*, was by the said Returning Officer, illegally and unduly proclaimed member elect for the said county.

And petitioners now pray, that the said election and proclamation, so made by the said Returning Officer, of the said *Michael McCulloch*, as having been returned for the said county, be annulled and set aside for, among others, the following reasons, viz :

1st. Because the Hustings was not held at the place pointed out in the advertisements of the said Returning Officer.

2nd. Because the said Returning Officer, after having read the writ of election, at a certain place, determined upon taking the votes of the electors in a house situated at a more distant and other place, which to the knowledge and in the sight of the said Returning Officer, was

then and there kept and surrounded with force and violence by several hundreds of men armed with clubs, staves and other offensive weapons, the greatest number of whom were strangers to the said county and had no right to vote therein, all of which being done in the view and with an intent to prevent the electors from going to vote at the said election.

3rd. Because the said Returning Officer proceeded with the said election, in the presence of several hundreds of men armed with clubs, staves and other offensive weapons, without, on his part, having taken any means to disperse or arrest them, or cause them to retire from the Hustings and without even having made any attempt to do so, represent-

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Petition contested  
election county of  
Terrebonne.

ing or declaring himself then and there incapable of interposing his authority to maintain peace and order, and give the electors a free access to the Hustings.

4th. Because, previous to and during the proceedings of the said Returning Officer at the said election, in his sight and to his certain knowledge, several of the electors, whilst peaceably repairing to the place of the said election, were assailed and beaten with clubs, staves and other offensive weapons, without the said Returning Officer having taken any means to protect them, then and there declaring himself incapable of maintaining peace and order at the said election.

5th. Because scenes of violence occurred during the proceedings of the said Returning Officer, to prevent the peaceable electors from freely exercising their elective franchise, and that it was then and there evident, by the threats, and conduct of the great number of persons (sic), who then and there, during the proceedings of the said Returning Officer, and in his presence, were then armed with clubs, staves and other offensive weapons, that the peaceable electors, of the said county could not have approached the Poll to give their votes, without rendering other scenes of violence, that would have led to bloodshed and to the murder of a great number of persons inevitably.

6th. Because, during the proceedings of the said Returning Officer, at the place of the said election, several persons were cruelly beaten and ill treated with clubs and staves, among whom was found a man named *Toussaint Rose*, of *St. Martin*, in the said county who afterwards died of wounds inflicted on him, with clubs, during the said election.

7th. Because in consequence of the acts of violence and intimidation above related, in order to avoid greater disturbances and a greater effusion of blood, no other means remained to the said *Louis Hypolite Lafontaine*, one of the candidates, and to the electors willing to give him their suffrages, but to withdraw from the place of election, and protest against the said election and the proceedings of the said Returning Officer.

8th. Because hired bands of men, strangers to the said county, armed with clubs, staves and other offensive weapons, have been by the said supporters, of the said *Michael McCulloch*, brought from distant parts of the Province, to the place of the said election, in order to frighten, intimidate, beat, and even to murder the peaceable electors, at the said election.

9th. Because, at the costs and charge of the said Dr. *Michael McCulloch* as well by himself as by means of others in his interest or favor, houses of public entertainment have been opened and supported, or caused to be opened and supported before and during the said election, in the limits of the said county, the whole in contravention to the law.

All of which allegations petitioners are ready to prove.

Wherefore petitioners, pray the House to take their petition, into its serious consideration, and declare the above mentioned election null and illegal, as also the proclamation made by the said Returning officer, at the said election, of the person of the said Dr. *Michael McCulloch*, to represent the electors of the said county of *Terrebonne* in the Legis-



lative Assembly of this province ; and that the House would adopt such measures, as in its wisdom may seem meet, to prevent the occurrence of similar scenes, otherwise they must cease to exercise their elective franchise, or go armed to resist with effect any attempt that may be made to interfere with them in the exercise of their constitutional rights.

Petitioners desire further earnestly, and solemnly to impress upon the House, the necessity of an immediate investigation into the disgraceful occurrences which have taken place at several of the elections in this district in order to bring to condign punishment the conspirators who

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Petition, contested election, county of Terrebonne.

have dared, by means of hired bands of armed ruffians, to murder and ill treat the electors, and impose upon them as their representatives, persons in whom they have no confidence.

*Ordered*— That the said Petition do lie upon the table.

The same.

A Petition of *Louis H. Lafontaine*, Esquire, of the City of *Montreal*, was presented to the House by Mr. *Aylwin*, and the same was received and read setting forth :

That an election was held on *Monday*, the twenty-second day of the month of *March* last, at the place commonly called *New Glasgow* in the county of *Terrebonne*, in the said Province, by *John McKenzie*, Esquire, Returning Officer, for the purpose of choosing a member to represent the said county of *Terrebonne* in the Legislative Assembly of the said Province.

That the candidates, at the said election, were Dr *Michael McCulloch*, Physician of the City of *Montreal*, and petitioner, and that they both appeared on the Hustings at the election.

That after having gone through all the preliminary forms as prescribed by law, the said Returning Officer did require the electors then and there present to name the person of whom they were willing to make choice, as a member to serve in the said Assembly for the said county of *Terrebonne*, when the said *Louis Hypolite Lafontaine*, had the show of hands in his favor, whereupon a Poll was demanded by the said Dr. *Michael McCulloch*, or some of his supporters, and that afterwards, amidst violence and bloodshed, which forced petitioner to withdraw by protesting against the Returning Officer, the said Dr. *Michael McCulloch*, was by the said Returning Officer illegally, and unduly proclaimed member elect of the said county.

Petitioner now prays that the said election, and proclamation so made by the said Returning Officer of the said Dr. *Michael McCulloch*, as having been returned for the said county, be annulled and set aside for, among others, the following reasons viz.

1st. Because the *Hustings* was not held at the place pointed out in the advertisements of the said Returning Officer.

2nd. Because the said Returning Officer after having read the writ of election at a certain place, determined upon taking the votes of the electors, in a house situated at an other and more distant place, which to the knowledge, and in the sight of the said Returning Officer was then and there kept, and surrounded with force and violence, by several hundreds of men, strangers to, and unentitled to vote in the said county, armed with clubs, staves and other offensive weapons, all of which was done in the view, and with the intent to prevent the electors from going to vote at the said election,

3rd. Because previous to and during the proceedings of the said Returning Officer, at the said election, in his sight and to his certain knowledge, several of the electors, whilst peaceably repairing to the place of the said election were assailed and beaten with clubs, staves and other offensive weapons, without the said Returning Officer having taken any means to protect them, then and there declaring himself incapable of maintaining peace and order at the said election.

4th. Because, such scenes of violence occurred during the proceedings of the said Returning Officer, as prevented the peaceable electors from freely exercising their elective franchise, and it was then and there evident by the threats and conduct of the great number of persons who, during the proceedings of the said Returning Officer, and in his presence, were thus armed with clubs, staves, and other offensive weapons, that the peaceable electors of the said county could not have approached the Poll, to give in their votes, without rendering inevitable

Petition, contested election, county of Terrebonne.

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other scenes of violence that would have led to bloodshed, and to the murder of a great number of persons

5th. Because during the proceedings of the said Returning Officer, at the place of the said election, several persons were cruelly beaten and illtreated with clubs, staves, and other offensive weapons, among whom was an individual named *Toussaint Rose of St. Martin*, in the said county, who afterwards died of the wounds inflicted on him with clubs, staves, and other offensive weapons during the said election.

6th. Because in consequence of the acts of violence and intimidation above related, no means of avoiding greater disturbance and preventing further effusion of blood, remained to the Petitioner, one of the said candidates, and to the electors willing to give him their suffrages, but to withdraw from the place of election, and protest against the said election and the proceedings of the said Returning Officer.

7th. Because hired bands of men, strangers to the said county, armed with clubs, staves and other offensive weapons, were by the supporters of the said Dr. *Michael McCulloch*, brought from distant parts of the province, to the place of the said election in order to frighten, intimidate, beat and even to murder the peaceable electors, at the said election.

8th. Because at the costs and charges of the said Dr. *Michael McCulloch*, as well by himself, as by means of others, in his interest or favor, houses of public entertainment have been opened or supported, or caused to be opened and supported, before and during the said election and in the limits of the said county, the whole in contravention to the law.

All which allegations petitioner is ready to prove.

Wherefore petitioner prays the House, to take this his petition, into its serious consideration, and declare the above mentioned election null and illegal, as also the proclamation made by the said Returning Officer, at the said election of the person of the said Dr. *Michael McCulloch* to represent the electors of the said county of *Terrebonne* in the Legislative Assembly of this Province of *Canada*.

*Ordered* — That the petition do lie upon the table

Then on motion of Mr. *Henry Smith*, seconded by Mr. *Hamilton*. The House adjourned until tomorrow.

#### Appendix, 16 June 1841.

((Petition for Divorce.))<sup>32</sup>

Mr. *Morris* presented and read the petition of George C. Kornor and Elizabeth his wife<sup>33</sup> ...residing in (sic) the Johnson district<sup>34</sup> ...praying for a divorce on the ground of incompatibility of temper.<sup>35</sup>

Sir A. MacNab opposed the petition; regarding a compliance with it, as calculated to loosen those ties, that society regards as sacred and inviolable; and giving encouragement to parties, perhaps upon some temporary disagreement, to pray for that relief, that they might regret having applied for thereafter.<sup>36</sup> A petition of that nature should not be entertained by the House. If they were to be called upon to sever the matrimonial band, merely on account of the ill temper of the parties they would have enough to do. — (Laughter.)<sup>37</sup>

**Mr. Neilson** suggested that it should be allowed to lie upon the table, without taking any immediate action upon the subject of the petition, that Members might have an opportunity of considering the subject. The Marriage is that essential bond of society which should not be lightly dealt with.<sup>38</sup>

**Mr. Viger** concurred with the hon. Gentleman in saying that it was too serious and important a matter to be harshly interfered with.<sup>39</sup>

**Mr. Small** said that however serious the subject of the petition might be, it was certainly a serious matter for that House to refuse to receive a Petition upon any subject, they were bound to receive all petitions which were respectfully worded.<sup>40</sup>

**Mr. Merritt** coincided with the last speaking, in thinking it would be a dangerous precedent (sic) for that House to refuse to receive the petition.<sup>41</sup>

**Mr. Roblin** was opposed to receiving the petition, they ought not to hold out an inducement for a man and his wife to quarrel. — (Laughter.)<sup>42</sup>

At the suggestion of **Mr. Draper**, the hon. gentleman ((**Mr. Morris**)) consented to withdraw the petition.<sup>43</sup>

((Notice of Proposed Motions.))

**Mr. Durand** gave notice, for Tuesday week, to name a Select Committee to enquire and report on the state of a reserved tract of land in the Wellington District, commonly called the Queen's Bush, and now being settled by a great number of squatters. For Monday next, to bring in a Bill to alter and amend the Registry Laws of Upper Canada. For Monday week, to bring in a Bill to alter and amend the law for the destruction of wolves in this Province.<sup>44</sup>

**Captain Steele** gave notice for Friday, for a Bill to amend the West Gwilliamsbury Road Act, by adding to the number of Commissioners provided by that Act.<sup>45</sup>

**Mr. Hincks** gave notice for tomorrow for a Bill for the more equal distribution of the property of persons dying intestate in Upper Canada.<sup>46</sup>

**Mr. Price** gave notice, for the 24th, for the appointment of a Committee to investigate the riot committed on Yonge Street, on the 15th of October, 1839.<sup>47</sup> with power to compel parties to attend.<sup>48</sup>

**Mr. Small** gave notice, for Monday, of an Address to His Excellency for returns made by the Justices of the Peace in Upper Canada, of all fines and penalties by them imposed, as asked for by an Address of the late House of Assembly of Upper Canada.<sup>49</sup>

((Remarks on Procedure for Introducing Legislation.))

**Mr. Boswell** rose and said, that owing to the immense (sic) loss that had been suffered on account of the depreciation of the currency, in the upper section of the Province; it was his intention to introduce a bill into the house connected with the subject, but having listened to some remarks that fell from the learned Attorney General Mr. Ogden, during the present sitting of the house, he was at a loss how to proceed.<sup>50</sup>

**Mr. Ogden** replied, that with regard to the allusion of the hon. member, he would take upon himself to say, that in conformity with the usual mode of proceeding, both himself and his colleagues in office, would be happy to answer any questions, after the Speech of His Excellency the Governor General had been duly entertained by the house.<sup>51</sup>

**Mr. Boswell** expressed himself perfectly satisfied with the explanation of the learned Attorney General. His only anxiety was, that seeing the rapidity with which bills were flowing in upon the house, a prolonged delay might accumulate such a heap in advance of him, as might swamp all his endeavours to get his own bill passed this session.<sup>52</sup>

**Mr. Boswell** also stated, that he hoped the members of Government would introduce the English practice of bringing in themselves all bills of leading importance, in order that such



measures might be properly matured, and thereby prevent much of that crude legislation which had formerly disgraced the Statute Book.<sup>53</sup>

**Mr. Hincks** hoped to see the English practice still further introduced, that members of the Government who held seats in that House might be prepared at once, instead of the roundabout method of an address, to state the intentions of the Government upon public measures.<sup>54</sup>

**An hon. member** suggested that twenty-four hours notice should always be given of the intention to apply for such information.<sup>55</sup>

((Petition re : Raising Lighthouse Keeper's Salary.))

**Mr. Boswell** having presented a petition praying for an increase of Salary for a Light House keeper, a discussion followed by which it appeared that according to the views of the Legislative Assembly of the late Province of Lower Canada, and which have been temporarily adopted by the House, no petition for a grant of money can be received by the House until it has received the sanction of His Excellency.<sup>56</sup>

((Question re : Application for Money.))

**Mr. Roblin** applied to the house for information as to the proper mode of applying for sums of money.<sup>57</sup>

The Attorney General **Mr. Ogden** rose and said, that the proper course to pursue was in the first place to address an application to His Excellency the Governor General.<sup>58</sup>

((Question re : A. Manahan's Eligibility as M.P.P.))

Seeing **Mr. Manahan** in his place, **Mr. Hincks** took the opportunity to inquire of that gentleman, whether the report was true that he had accepted office.<sup>59</sup>

**Mr. M. ((Manahan))** said that an offer had been submitted for his acceptance, but that he had not taken office.<sup>60</sup>

Footnotes — 16 June 1841.

1. The debate on this motion was not widely reported. There was a brief commentary on it in *LE CANADIEN*, 21 June 1841. The 23 June 1841's *EXAMINER*'s account of it is identical to that of the *KINGSTON CHRONICLE*'s of 19 June 1841. See also *BRITISH COLONIST*, 23 June 1841.

2. *BRITISH COLONIST*, 23 June 1841.

3. *KINGSTON CHRONICLE*, 19 June 1841.

4. *IBID.*

5. *IBID.*

6. *BRITISH COLONIST*, 23 June 1841.

7. *KINGSTON CHRONICLE*, 19 June 1841.

8. *IBID.*

9. *IBID.*

10. *BRITISH COLONIST*, 23 June 1841.

11. *KINGSTON CHRONICLE*, 19 June 1841.

12. *BRITISH COLONIST*, 23 June 1841.

13. *IBID.*

14. *KINGSTON CHRONICLE*, 19 June 1841.

15. The bracket closing the interjection was omitted from the newspaper and has been added.

16. *KINGSTON CHRONICLE*, 19 June 1841.

17. *IBID.* The *EXAMINER* of 23 June 1841 contains an account of this identical to that of the *KINGSTON CHRONICLE*. Another account is found in *BRITISH COLONIST*, 23 June 1841.

18. Accounts of this motion and the debate upon it may be found in *BRITISH COLONIST*, 23 June 1841; *WESTERN HERALD*, 7 July 1841, citing *KINGSTON WHIG*; *MONTREAL GAZETTE*, 18 June, 5 July 1841; *KINGSTON CHRONICLE*, 19 June 1841; *EXAMINER*, 23 June 1841, which is identical to *KINGSTON CHRONICLE* noted above; *LE CANADIEN*, 21 June 1841.

19. *KINGSTON WHIG*, cited in *WESTERN HERALD*, 7 July 1841.

20. *KINGSTON CHRONICLE*, 19 June 1841.

21. *IBID.*

22. *KINGSTON WHIG*, cited in *WESTERN HERALD*, 7 July 1841.

23. *IBID.*

24. *IBID.*

25. *KINGSTON CHRONICLE*, 19 June 1841.

26. BRITISH COLONIST, 23 June 1841.
27. KINGSTON CHRONICLE, 19 June 1841.
28. BRITISH COLONIST, 23 June 1841.
29. IBID.
30. IBID.
31. IBID.
32. This divorce petition, which was finally withdrawn, is discussed in BRITISH COLONIST, 23 June 1841; MONTREAL GAZETTE, 18 June 1841; LE CANADIEN, 21 June 1841; KINGSTON CHRONICLE, 19 June 1841; and in identical accounts in EXAMINER, 23 June 1841, and KINGSTON CHRONICLE, 19 June 1841.
33. KINGSTON CHRONICLE, 19 June 1841.
34. MONTREAL GAZETTE, 18 June 1841.
35. KINGSTON CHRONICLE, 19 June 1841.
36. BRITISH COLONIST, 23 June 1841.
37. KINGSTON CHRONICLE, 19 June 1841.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. BRITISH COLONIST, 23 June 1841.
44. MONTREAL GAZETTE, 5 July 1841.
45. IBID.
46. IBID. Hincks' proposed bill re distribution of estates of intestate persons is also mentioned in ST. CATHARINES' JOURNAL, 24 June 1841.
47. MONTREAL GAZETTE, 5 July 1841.
48. BRITISH COLONIST, 23 June 1841. See also MONTREAL GAZETTE, 18 June 1841; ST. CATHARINES' JOURNAL, 24 June 1841.
49. MONTREAL GAZETTE, 5 July 1841.
50. BRITISH COLONIST, 23 June 1841.
51. IBID.
52. IBID.
53. MONTREAL GAZETTE, 18 June 1841.
54. IBID.
55. IBID.
56. KINGSTON CHRONICLE, 19 June 1841.
57. BRITISH COLONIST, 23 June 1841. Roblin's question was also noted in MONTREAL GAZETTE, 18 June 1841; LE CANADIEN, 21 June 1841.
58. BRITISH COLONIST, 23 June 1841.
59. IBID.
60. IBID.

Thursday, 17 June 1841.

Recognizance,  
Lennox and Addington  
election.

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Mr. Speaker acquainted the House that *David Roblin* and *Benjamin Ham* had entered into the usual recognizance required by Law, on the subject matter of the contested election for the incorporated counties of *Lennox* and *Addington*.

Petition of inhabitants  
of Rouville —  
(Rouville election.)

A Petition of Divers electors of the county of *Rouville*, was presented to the House by Mr. *Quesnel*, and the same was received and read, setting forth —

That an election was held on *Monday* the *eighth* day of *March* last, at the village of *Henrys ville* in the said county of *Rouville* by *Hiram Hitchcock*, Returning Officer, for the purpose of choosing a member to represent the said county of *Rouville* in the Assembly of the Province. That the candidates were *Timothé Franchère*, Esquire, and *M.A. De Salaberry*, Esquire; the former having been declared to

Petition of inhabitants  
of Rouville —  
(Rouville election.)

(27)

have the show of hands in his favor, a Poll was demanded by the supporters of the said *M. A. De Salaberry* which was opened by the Returning Officer, who continued to receive on that day, without interruption, the votes of the electors. — That on *Tuesday* the *second* day of the Poll, the majority in favor of *Timothé Franchère*, Esquire, was rapidly increasing, when a number of persons, supporters of *M. A. De Salaberry*, Esquire, were seen in the Poll House with bludgeons and other weapons in their hands, preventing by violent threats, the electors of *Timothé Franchère*, Esq., from exercising their constitutional rights. At the close of the Poll Mr. *Franchère* having then a majority of about one hundred and fifty votes, the supporters of his opponent made a violent and most brutal attack on the electors of *Timothé Franchère*, Esq., and compelled them to leave the place. — That on *Wednesday* morning several double sleighs came to the poll with eight or ten persons in each, all of whom were known to be *M. A. De Salaberry's* supporters, bearing flags, and having also, what they styled, shillelaghs in their hands. At the adjournment of the Poll, at one o'clock in the afternoon, Mr. *Franchère* was still one hundred and twenty-one votes above his opponent. On returning to the Poll, at two o'clock, accompanied by about two hundred electors, a number of hired bullies rushed out of the Tavern occupied by *Goodenough* and immediately attacked with deadly weapons, *Timothé Franchère*, Esquire, and his voters, who were unarmed, which resulted in the death of one person, named *Julien Choquet*, and in grievous and serious bodily injuries to many others of the same party. These furious violaters of the law, yet unsatisfied with this perpetration, pursued, after the opening of the Poll, the inoffensive and unprotected electors who were desirous and anxious to inscribe their votes in favor of *Timothé Franchère*, Esquire, as far as the French Village, when being still full of the darkest malice committed a shameful Riot, by breaking open the doors and windows of the houses belonging to Messrs. *Gariépy* and *Darche*: — Moreover several of these men came in the Poll room with their blood stained weapons in the presence of the Returning Officer, and during the polling hours, still threatening the lives of the electors of *Timothé Franchère*, Esquire, and were not by him arrested nor reproved in any way, but on the contrary were allowed to remain undisturbed, and by that means, tacitly



protected ; these persons having been pointed out by the said electors, who claimed his official intervention. In consequence of the aforesaid violence and entrance to the Poll being obstructed and that with force and arms, the only votes inscribed from that moment were in favor of *M. A. De Salaberry Esquire*.

By these means the electors residing in the village were driven from their homes and those who had come from the adjoining and distant parishes returned without voting, rather than have recourse to violence, which must have terminated with bloodshed before they could have approached the poll. Notwithstanding this *Timothé Franchère*, Esquire, had at the close of the Poll a majority of fifty-one votes — That among the many acts of corruption and violence, the petitioners would expose to the House that promises were made and gifts in money offered and allowed to several persons for their votes, and that taverns were open and expenses paid by *M. A. De Salaberry's* supporters and to his knowledge ; The whole contrary to Law — That notwithstanding these occurrences and the protest of *Timothé Franchère*, Esquire, the Returning Officer considered it his duty to continue the Poll, so as to give a majority to *M.A. De Salaberry, Esq.*, and return him duly elected. Petitioners therefore pray that in consequence of the violence and other means of corruption used by the supporters of *M. A. De Salaberry, Esq.*, to prevent the electors from freely and peaceably recording their votes, the House will either declare that *Timothé Fran-*

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Petition of inhabitants  
of Rouville —  
(Rouville election.)

*chère, Esq.*, who at the adjournment of the Poll on *Wednesday* evening, was in the majority, should have been returned, or cause the election to be annulled and afford an opportunity to the county freely to elect the person of its choice.

In the latter case Petitioners pray that the House would adopt such measures as in its wisdom may seem fit, to prevent the occurrence of similar scenes ; otherwise they must cease to exercise their Elective Franchise or go armed to resist, with effect, any attempt that may be made to interfere with them in the exercise of their constitutional rights.

*Ordered* — That the said petition do lie upon the table.

Petition of  
T. Franchère  
against return of  
M. A. De Salaberry.

A petition of *Timothé Franchère* of the parish of *St. Mathias* in the district of *Montreal*, Merchant, was presented to the House by Mr. *Quesnel*, and the same was received and read setting forth. —

That an election was held on *Monday*, the eighth day of *March* last, at the village of *Henrysville*, in the county of *Rouville*, by *Hiram Hitchcock*, Returning Officer, duly appointed by Her Majesty's writ, for the purpose of choosing a member to represent the said county of *Rouville*, in the Assembly of the Province. That the candidates at the said election were *M. A. De Salaberry, Esquire*, of the parish of *Chambly*, in the said district, and the Petitioner. That after the preliminary forms being gone through, the Petitioner having in his favor a show of hands, a poll was demanded by the supporters of the said *M. A. De Salaberry*, which demand being then granted, the said Returning Officer began to take the votes of the electors, and continued so to do on that day without interruption. — That on *Tuesday*, the second day of the poll, the majority in favor of petitioner was rapidly increasing ; but that against the peace, and contrary to the writ of Her Majesty, a number of persons, supporters of the said *M. A. De Salaberry*, were seen in the poll-house, armed with clubs, staves, and other offensive weapons, preventing, by violent threats and menaces, the supporters of petitioner from giving their votes in his favour. That at the close of the poll the second day, petitioner's majority being then about one hundred and fifty votes, the supporters of his opponent, armed with clubs, staves, and other offensive weapons, made a violent and brutal attack upon petitioner's supporters, and compelled them to leave the

place. That on *Wednesday*, the third day of the said poll, the supporters of the said *M. A. De Salaberry* were seen coming to the poll in double sleighs, eight or ten persons in each, bearing flags, and armed with clubs, staves, and other offensive weapons, and that at the adjournment of the poll at one o'clock in the afternoon, petitioner had yet a majority of one hundred and twenty-one votes. That on returning to the poll at two o'clock P.M. on *Wednesday* aforesaid, petitioner and the great number of electors accompanying him, unarmed and inoffensive, were violently attacked by a number of riotous individuals, armed with clubs, staves, and other offensive weapons, supporting the said *M. A. De Salaberry*, and that several of petitioner's supporters were grievously wounded, one of whom, an individual of the name of *Julien Choquet*, afterwards died of the wounds so received at the said election, and that these violators of the law, unsatisfied with this perpetration, pursued the electors supporting petitioner, and prevented them from coming near the poll and giving their votes in favor of petitioner. That several of these men, so armed with clubs, staves, and other offensive weapons, came into the poll-house, in the presence of the Returning Officer, and during the polling hours, threatening the lives of the electors supporting petitioner, and were neither arrested nor reproved in any way, but on the contrary, were allowed to remain undisturbed, and by those means tacitly protected, although pointed out by the said electors, claiming from the

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Returning Officer, his official intervention — That inasmuch as a large number of armed individuals prevented the electors from coming near the poll and giving their votes in favor of petitioner, and kept back, with all sorts of menaces and illtreatment, the supporters of petitioner, the said election was by no means free, but on the contrary, petitioner was thereby prevented from being duly elected as he ought to have been, and a false and unjust return was thereby illegally, violently, and corruptly secured in favor of the said *M. A. De Salaberry*, as member for the said county — That previous to and during the said election, large sums of money were expended by the partizans of the said *M. A. De Salaberry*, to defeat the liberty of the said election, to pay and feed the armed force and other riotous people above mentioned; and taverns were also kept open, and intoxicating liquors were distributed to such as would declare themselves partizans of the said *M. A. De Salaberry* — the whole contrary to law — That in law and in fact petitioner was duly elected to serve for the said county, and that the insertion in the return of the said *Hiram Hitchcock* of the name of the said *M. A. De Salaberry* was illegal, fraudulent, corrupt, and an act of open violence against the rights and liberties of the electors of the said county. Whereupon petitioner humbly prays the House will diligently inquire into the facts set forth in the present petition, and thereupon order that the pretended election of the said *M. A. De Salaberry* be declared null and void, and that petitioner's name be inserted in the said return of the said *Hiram Hitchcock*, instead of that of the said *M. A. De Salaberry*, and that petitioner be admitted to take his seat accordingly, and that the House will further ordain and decree in the matter as in law and justice it may appertain.

*Ordered* — That the said Petition do lie upon the table.

Petition of  
T. Franchère  
against return of  
M. A. De Salaberry.

A Petition of *William Henderson Edwoods* and divers others, people of colour, was presented to the House by the Honorable Mr. *Dunn*, and the same was received and read, setting forth, that they have emigrated from the *United States of America*, and are now settled in the city of *Toronto* and its vicinity, and being desirous of holding lands, pray that a law may be passed for their naturalization.

*Ordered* — That the said petition do lie upon the table.

Petition of  
W. H. Edwoods  
and others.

Select Committee  
on Rules report.

Mr. *Simpson*, from the Special Committee appointed to frame Rules and Regulations for the Government of this House, presented to the House the Report of the said Committee, which was again read at the Clerk's table, as followeth : —

The Committee appointed to frame Rules and Regulations for the Government of the House, and to whom the Rules of the two former Houses of *Upper* and *Lower Canada* were referred for its guidance, have the honor to report —

That, in obedience to the instructions of the House, they have framed a Code of Rules and Regulations for the Government of the House, which they have annexed to this Report, and which they respectfully submit to the House for its consideration.

By order of the Committee,

JOHN SIMPSON, *Chairman*.

Petition of Jacob De Witt complaining of the undue return of T. W. Dunscombe, for the county of Beauharnois.

A Petition of *Jacob Dewitt* of the City of *Montreal*, Esquire, was presented to the House by Mr. *Morin*, and the same was received and read, setting forth :

That an election of a knight to serve in the present parliament, for the county of *Beauharnois* took place in the course of *March* last, according to Her Majesty's writ duly issued to that effect, and that the holding of the said election, and the opening of the Poll thereat, were

Petition of Jacob De Witt complaining of the undue election of J. W. Dunscomb, for the county of Beauharnois.

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held at *Ormestown*, in the said county of *Beauharnois*, on the eighth day of said *March* last, the said election to be thence continued, according to law. That petitioner, who had represented the said county of *Beauharnois*, for many years, in the late Assembly of *Lower Canada*, was invited by a large majority of freeholders, qualified to vote at the said election, to become a candidate for the high trust of representing the said county in the present parliament, and accordingly became a candidate, and was present as such, at the opening of the Poll, as aforesaid ; and, being duly qualified to be elected, was present at the said election to receive the votes of the freeholders as aforesaid — That, however, the writ of Her Majesty and the principles of the British constitution, which ought, of right and justice, to be attended to, were totally disregarded and violated at the said pretended election, as well on the part of the Returning Officer, *William Bowron*, Esquire, as on the part of a great number of riotous and armed individuals, the largest part of whom were strangers to the said county of *Beauharnois*, or had no vote therein, who, together with some few electors of the other candidate, *J. William Dunscomb*, Esquire, who were also armed and riotously arraigned against the faithful execution of Her Majesty's said writ, prevented, with open and constant violence, and with force and arms, and also with bribery and corruption, the free and inoffensive electors of the said county from giving their votes at the said election in favour of petitioner — That the said *William Bowron* acted, at the said election, with partiality and corrupt motives, and was actively and illegally employing himself during all the time, and long before the said election, as an active partizan of the said *J. W. Dunscomb*, and violently opposed to Petitioner and the known determination of the great majority of electors supporting Petitioner, and that the said *William Bowron*, being otherwise unacquainted with the language of a large portion of the said electors, and unable to conduct the said election properly, on that account, was in fact during the said election, an active and violent partizan of the said *J. W. Dunscomb* — That the said *William Bowron*, previously to his being appointed Returning Officer, as aforesaid, went round the said county, at different times, and was engaged in an extensive correspondence, to solicit the electors to support the said *J. W. Dunscomb* and oppose the petitioner, and that the said *William Bowron*, was even sent to *Montreal* with another



individual, on the part of the partizans of the said *J. W. Dunscomb*, to invite him to present himself at the said election — That having been, in the meantime, appointed Returning Officer, the said *William Bowron* did not abandon his canvassing in favour of the Petitioner's opponent, but continued in the same course, and being a party in the violence which was then before hand prepared, and being one of those who were guilty of the said violence, had unlawfully arranged all matters to proclaim the said *J. W. Dunscomb* as being duly elected, notwithstanding the well known determination of the electors, and went even so far as to advise the keeper of a hotel in the vicinity of the Poll, before the election, not to make any great preparations for the reception of voters, as the election, under any circumstances, was not to last more than two days — That the said county contains over seven hundred square miles, thickly inhabited, and that at the last general election the polling lasted nearly three weeks, the said *William Bowron* being then, all the time, a candidate — That from the large number of armed individuals preventing the electors from coming near the Poll and giving their votes to petitioner, and keeping back the electors at a distance with all sorts of menace and illtreatment, the said election, was by no means free, but that the danger for the life and security of voters was such, that the said *J. W. Dunscomb* was returned as a member with an apparent majority of about one hundred and fifty votes, while the said county contained near four thousand voters, three fourths of

Petition of Jacob De Witt complaining of the undue election of *J. W. Dunscomb*, for the county of Beauharnois.

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whom were at a distance, and on their way to come and vote in favour of Petitioner, and actually coming to the said Poll for the purpose of voting, but were prevented with an armed force and all sorts of violence, and turned back by armed men, bearing the uniform of volunteers then in Her Majesty's service, and armed as such, and countenanced as well by their commanding officers, as, by the said *William Bowron*, and the said *J. W. Dunscomb* — That the said military force and other organized partizans from without the county, or having no votes therein, prevented the petitioner from being duly elected as he ought to have been, and illegally, violently, and corruptly, secured in favour of the said *J. W. Dunscomb* a false and unjust return as member for the said county — That previous to and during the said pretended election, large sums of money were expended by persons unknown to petitioner to defeat the liberty of the election, to pay and feed the armed force and other riotous people mentioned above, and that a large mill, and the miller's dwelling house, were converted into a tavern to distribute intoxicating liquor to such as would declare themselves partizans of the said *J. W. Dunscomb*; and that a tavern bar was specially erected for that purpose, before the election, in the above mentioned mill, and that the same was kept open during the election, and for some time after the closing hereof — That deadly weapons, clubs, and other offensive arms, were used at the said election by the military force and other armed partizans aforesaid, to prevent the electors from voting in favour of petitioner, whose voters were kept and forcibly turned back, their carriages and sleighs being turned out of the road, and some being even constrained to come and vote, against their opinion, for the said *J. W. Dunscomb*; and several electors favorable to petitioner, when repairing to the Poll, were beaten to death, and also several others grievously wounded, by the partizans of the said *J. W. Dunscomb*, while none of the partizans of the latter were in any way injured, but while the voters of your petitioner behaved all the time in the most quiet and peaceable manner, and were obedient to the laws and the true interests of Her Majesty's said writ — That threats of violence, to intimidate electors favorable to petitioner, had also been used a long time before the election, and all over the said county, by the said partizans, and even by persons holding the

commission of magistrates, some of whom even menaced to kill the inhabitants if they came to vote — That on the second day of the said pretended election, a riot was excited near the Poll, by a violent assault on the part of the aforesaid partizans of the said *J. W. Dunscomb*, and that thereupon the said *William Bowron* publicly, and loudly gave notice that he did adjourn the Poll for one full hour, and that thereupon the voters of petitioner dispersed to come again within the limited time, but that as soon as they were at a distance, few minutes having not yet elapsed, the said Returning officer began again to take votes in favor of *J. W. Dunscomb*, whose partizans had knowingly kept their ground upon an understanding of what was to happen; and that since that time petitioner's voters never having been able to obtain access to the Poll, petitioner thought it his duty to resign, under protest, and appeal to this Honorable House — That in law and in fact Petitioner was duly elected at the said election to serve for the said county, and that the insertion in the return of the said *William Bowron*, of the name of the said *J. W. Dunscomb*, was illegal, fraudulent, corrupt, and an act of open violence against the rights and liberties of the electors of the said county — Whereupon petitioner humbly prays the House diligently to inquire into the facts thus set forth, and thereupon order that the pretended election of the said *J. W. Dunscomb* be declared null and void, and petitioner's name be inserted in the said return, instead of that of the said *J. W. Dunscomb*, and that petitioner

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be admitted to take his seat accordingly and that the House will further ordain and decree in the matter, as in law and justice it may appear.

*Ordered* — That the said petition do lie upon the table.

Petition complaining  
of Vaudreuil election.

A Petition of divers Electors of the County of *Vaudreuil* was presented to the House by Mr. *Morin* and the same was received and read setting forth

That an Election was held on *Monday* the eighth day of *March* last past, at the village of *Cedars*, in the county of *Vaudreuil* by *Michel Lefebvre*, Esquire, Returning Officer, for the purpose of choosing a Member to represent the county in the Assembly of the Province.

The candidates were *John Simpson*, and *André Jobin*, Esquires; the latter having been declared returned, by show of hands in his favor, a Poll was demanded by the supporters of *J. Simpson*, which was opened by the Returning Officer, who continued to receive the votes of the electors till four o'clock, and then adjourned to the day after, the ninth of *March*; on which day the Returning Officer continued to record the votes till about half-past two o'clock without interruption, at which period the majority in favor of *André Jobin* was about sixty votes a head, and was rapidly increasing; when a most brutal attack was made upon *A. Jobin's* supporters by a number of hired bullies and other persons in the interest of *J. Simpson*; which resulted in grievous bodily injuries to many of *A. Jobin's* supporters, who were all driven from the Poll and prevented to return to it by a large mob of bullies and ruffians armed with sticks, axes, and other weapons, and by one *Roe-buck*, the step-son of the said *J. Simpson*; and from thence the supporters of *A. Jobin* were entirely prevented to approach the Poll: notwithstanding these occurrences and the protest of *A. Jobin*, the Returning Officer considered it his duty to return said *J. Simpson*, as duly elected.

Petitioners therefore pray that, in consequence of the violence used by said *J. Simpson* and his supporters, with his knowledge and consent, to prevent the electors from peaceably recording their votes, the House will either declare that *A. Jobin*, who, at the time the riot commenced, was in the majority, should have been returned, or cause the election to be cancelled, and afford an opportunity to the electors of the county

freely to elect the person of their choice : in the latter case, Petitioners pray that the House would adopt such measures as to its wisdom may seem meet, to prevent the occurrence of singular scenes, otherwise they must cease to exercise their elective franchise, or go armed to resist, with effect, any attempt that may be made to interfere with them in the exercise of their constitutional rights.

Petitioners further earnestly and solemnly impress upon this Honorable House an immediate investigation into the disgraceful occurrences that have taken place, at several of the elections in the District of Montreal ; in order to bring to condign punishment the conspirators who have dared, by the means of hired bands of armed ruffians, to assault and murder the electors, and impose upon them, as their representatives, persons in whom they put no confidence.

*Ordered* — That the petition do lie upon the table.

A Petition of *André Jobin*, Esquire, was presented to the House by Mr. *Morin* and the same was received and read setting forth —

That an election was held on *Monday* the eighth day of *March* last, at the village of *les Cèdres*, in the said county, by *Michel Lefebvre*, Esquire, Returning Officer for the purpose of choosing a member to represent the county in Assembly of this Province.

The candidates were *John Simpson*, Esquire, and Petitioner : the

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latter having been declared returned by shew of hands in his favour, a Poll was demanded by the supporters of *John Simpson* which was opened by the Returning Officer, who continued to receive the votes of the electors till four o'clock, on that day, and adjourned to the day after, on which day the votes of the electors continued to be taken until about half-past two o'clock, without interruption, at which period the majority in favour of petitioner was about sixty, and was rapidly increasing, when a most brutal attack was made upon Petitioner's supporters by a number of hired bullies and other persons in the interest of *John Simpson*, which resulted in grievous bodily injuries to many of petitioner's supporters who were immediately driven from the Poll and prevented to return to it by a large mob of bullies and ruffians armed with sticks and headed by one *Roebuck*, the step-son of said *Simpson*, who prevented the supporters and voters of Petitioner to approach the Poll.

Notwithstanding these occurrences, and the protest of Petitioner, the Returning Officer considered it his duty to return said *J. Simpson*, as duly elected.

Petitioner therefore pray that in consequence of the violence used by said *J. Simpson* and his supporters to prevent the electors from peaceably recording their votes, this House will declare null and void, as well the election of said *J. Simpson*, as the Proclamation of the Returning Officer, declaring him duly elected, as a Member to represent the county of *Vaudreuil* in the House of Assembly, of this Province ; and that this House will declare Petitioner duly elected, or cause a new election to be made.

*Ordered* — That the said Petition do lie upon the Table.

*Ordered* — That Mr. *J. S. Macdonald* have leave to bring in a Bill to amend the Heir and Devisee Act.

He accordingly presented the said Bill to the House and the same was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Wednesday* next.

On the motion of Mr. *Simpson* seconded by Mr. *Hamilton*,

*Ordered* — That the Rules and regulations for the Government of this House, reported by the Special Committee, be referred to a Com-

Another Petition  
complaining of  
Vaudreuil election.

Another Petition  
complaining of  
Vaudreuil election.

Heir and Devisee  
Bill.

Rules and Regulations  
referred to Committee  
of whole.



mittee of the whole House this day, and that it be the second order of the day.

**Sir A.N. MacNab** addressed the speaker relative to his motion of yesterday, contending that as a question of privilege, it was imperative on the House to entertain it without delay.<sup>1</sup>

**Mr. Morin** said that routine business ought to precede the orders of the day.<sup>2</sup>

**Mr. Hale** begged to call the attention of the House to what had fallen from the Chair relative to the appointment of an Assistant Clerk to the House.<sup>3</sup>

Cries of order, order.<sup>4</sup>

**Sir Allan MacNab** ... considered it was not for them to sit Legislating in that House whilst there is a County of the Province unrepresented, particularly as the Member who was really entitled to take his seat was in attendance at the bar of the House, for the purpose of being sworn in and of taking his seat, and of assisting in these deliberations in which the House was engaged. He thought it was highly improper that they should continue to exclude a gentleman from his seat in that House. They had no right to proceed with any business until the country is properly represented.<sup>5</sup>

**Mr. Hincks** arose amid cries of order. He did not wish to detain the house, but having been put down once, he would merely say, that if the time that Sir Allan had taken to explain himself had been granted to him, he would have put the house in possession of what he had to say without troubling them a second time.<sup>6</sup>

**Sir A. MacNab** considered that the house ought not to go on legislating while a gentleman entitled to a seat in it, was prevented from taking possession of it.<sup>7</sup>

(33)

Kent Election.

On the motion of *Sir Allan MacNab*, seconded by *Mr. Hincks*,  
*Ordered* — That leave be given to take up that item, on the Order of the day Book, relative to the *Kent* election.<sup>8</sup>

Return delivered in and referred to Committee of whole.

According to the order of the House, of *yesterday*, the Clerk of the Crown in Chancery delivered in the return for the county of *Kent*.

On motion of *Sir Allan MacNab*, seconded by *Mr. Morin*,  
*Ordered* — That the said return be now referred to a committee of the whole House.

The House accordingly resolved itself into the said committee.

*Mr. Taschereau* took the chair of the committee, and after some time spent therein,

*Mr. Speaker* resumed the chair —

Resolutions on Kent Election reported.

And *Mr. Taschereau* reported that the committee had come to several resolutions; which resolutions were again read at the Clerk's table and agreed to by the House, and are as followeth: —

*Resolved* — That it appears by the return of the Returning Officer, appointed to preside at the last election of a member for the county of *Kent*; that, at the close of said election, *Joseph Woods*, Esquire, one

(34)

Resolutions on Kent election

of the candidates, had a majority of votes, and that notwithstanding this, the said Returning Officer, *George Wade Foote*, Esquire, did not declare and return the said *Joseph Woods*, as duly elected.

*Resolved* — That the said *Joseph Woods*, Esquire, ought to have been returned, as knight representative, for the county of *Kent*, in this present parliament.

*Resolved* — That the said *Joseph Woods* has a right to take his seat in this House, as representative for the said county of *Kent*, saving, however, to all candidates and electors their right of contesting the said election, if they think proper, in such manner as may appertain in law and justice, and according to the usage of parliament.

*Resolved* — That the Clerk of the Crown in Chancery do, forthwith, appear before this House, and do amend the return for the said county of *Kent*, by stating that, at the said election the said *Joseph Woods*, was duly elected to represent the said county of *Kent*.

Return for county of  
Kent amended.

In conformity to the last of the above resolutions, the Clerk of the Crown in Chancery did appear before the House and did amend the return of the said county of *Kent*, by stating that, at the election, the said *Joseph Woods* was duly elected to represent said county of *Kent*.

House in committee  
on Rules and  
Regulations.

The Order of the day for the House in Committee on the rules and regulations for the Government of this House reported by the special Committee, being read,

The House accordingly resolved itself into said committee.

*Mr. Durand* took the chair of the committee, and after some time spent therein,

Progress.

*Mr. Speaker* resumed the chair, and *Mr. Durand* reported that the committee had made some progress and had directed him to move for leave to sit again.

*Ordered* — That the said committee have leave to sit again to-morrow.

*Mr. Woods* takes  
his seat.

*Joseph Woods*, Esquire, member for the county of *Kent*, having previously taken the oath according to Law, and subscribed before the commissioners the roll containing the same, took his seat in the House.

Then, on motion of *Mr. Aylwin*, seconded by *Mr. Hamilton*,  
The House adjourned until to-morrow at 10 o'clock, A. M.

#### Appendix, 17 June 1841.

##### ((Notice of Proposed Motions.))

*Col. Prince* gave notice, that on Tuesday next, he would move an Address to His Excellency the Governor General, relative to the act passed by the late Legislature of Upper Canada in their last session, imposing a duty on Agricultural produce, and other things imported into this Province from the United States of America.

That on Wednesday next, he would move to bring in a bill abolishing imprisonment for debt, in this Province, except in cases of fraud and other particular cases.

That on Thursday next, he would also move to bring in a bill to enable Aliens to hold and dispose of real estate, in this Province, and to enjoy under certain circumstances, the rights and privileges of British subjects.<sup>9</sup>

*Mr. Durand* gave notice, that on Friday week he would move for a select committee to enquire into, and report on, the different Turnpike trusts in the Gore Districts, for the better regulation of the same.

He gave also notice that he would move for leave to appoint a select committee on Monday next, to enquire into Military Law as it affects the Province of Upper Canada.<sup>10</sup>

*Mr. Hincks* gave notice that tomorrow he would move for a Committee of the Whole, to take into consideration the propriety of granting a compensation to three reporters who would undertake to report in a true, faithful, and correct manner the proceedings of this House.<sup>11</sup>

*Mr. Moffatt* gave notice that tomorrow he would move for a Committee of seven to prepare lists of the Members of this House to form Permanent Committees — 1st, of Privileges; 2d, of Grievances; 3d, of Courts of Justice; 4th, of Public Accounts; 5th, of Education and Schools; 6th, of Trade; 7th, of Agriculture; 8th, of Roads and Public Improvements; 9th, of Public Lands and Seigniorial Rights; 10th, of Private Bills; 11th, of Hospitals and Charitable Institutions; 12th, of Contingent Accounts and other matters relative to the interior departments of this House.<sup>12</sup>

##### ((Withdrawn Motion re : Printing of House.))

*Mr. Morris* moved that Messrs. Hincks, Parent, Neilson and Steel (sic) do form a committee to superintend the printing of the House during the present Session.<sup>13</sup>

*Mr. Neilson* objected to Members of the Press being on such a committee.<sup>14</sup>

After a brief discussion, the motion was withdrawn.<sup>15</sup>

Footnotes — 17 June 1841.

1. BRITISH COLONIST, 23 June 1841.
2. IBID.
3. IBID.
4. IBID.
5. KINGSTON CHRONICLE, 19 June 1841.
6. BRITISH COLONIST, 23 June 1841.
7. IBID.
8. For other reports on the Kent Election proceedings in the House, see BRITISH COLONIST, 23 June 1841; BRITISH WHIG as cited by WESTERN HERALD, 7 July 1841; MONTREAL GAZETTE, 21 June, 5 July 1841; EXAMINER, 23 June 1841; LE CANADIEN, 21 June 1841; ST. CATHARINES JOURNAL, 24 June 1841; KINGSTON CHRONICLE, 19 June 1841.
9. BRITISH COLONIST, 23 June 1841.
10. IBID.
11. MONTREAL GAZETTE, 5 July 1841. For other reports of this notice see IBID., 21 June 1841; LE CANADIEN, 21 June 1841.
12. MONTREAL GAZETTE, 5 July 1841. For other reports of this notice see IBID., 21 June 1841.
13. BRITISH COLONIST, 23 June 1841.
14. IBID.
15. IBID.



**Friday, 18 June 1841.**

10 o'clock, A.M.

Mr. Christie takes  
his seat.

(34)

*Robert Christie*, Esquire, member for the county of *Gaspè*, having previously taken the oath according to Law, and subscribed before the Commissioners the roll containing the same, took his seat in the House.

Printing Committee.

On motion of Mr. *Morris*, seconded by the Honorable Mr. *Dunn*. —

*Resolved* — That a standing committee of five members be forthwith appointed to superintend the printing of this House, during the present session.

*Ordered* — That Mr. *Morris*, Mr. *Boswell*, Mr. *Dunscombe*, Mr. *Neilson*, and Mr. *Parent*, do compose the said committee.

Gwilliambury Road  
& Bridge bill.

(35)

*Ordered* — That Captain *Steele* have leave to bring in a bill to amend an act of that part of the province formerly called *Upper Canada*, intituled "An act to provide for the making and keeping in repair the *West Gwilliambury* road and bridge; and to authorize the erection of a toll gate thereon."

He accordingly presented the said bill to the House, and the same was received and read for the first time.

Petition of William  
King and others.

A petition of the Reverend *William King*, and others, settlers of the township of *Bury* and *Lynwick*, was presented to the House by Mr. *Cartwright*, and the same was received and read, setting forth the injury likely to accrue to society in general from the want of adequate schools for the rising generation — The utter impossibility of providing them by private contributions :

The impropriety of introducing into schools for the education of youth, extracts, only, from the word of God, and praying that the received translation of the bible be recognized as the class book to be universally taught in all public schools and seminaries throughout the province, where protestant children shall receive their education, in its unabridged state.

*Ordered* — That the said petition do lie upon the table.

Petition of Verhoeff  
and others, praying  
to be naturalized.

A petition of *G. Frederick Verhoeff*, *Lewis Davenport*, *Thomas M. Taylor* and *J. Babcock*, was presented to the House by Mr. *Prince*, and the same was received and read, setting forth : that petitioners have lived, for a great many years past, in that part of this province, formerly called *Upper Canada*, and have expended large sums of money in making improvements therein — That petitioners are desirous of spending the remainder of their lives in *Canada*, and of becoming subjects of Her Majesty the Queen of *Great Britain*, and humbly praying that a law may be passed to enable them to hold and dispose of real estate in this province and to entitle them to the rights and privileges of British subjects.

*Ordered* — That the said petition do lie upon the table.

Petition of inhabitants  
of Ristigouche on  
election.

A petition of divers freeholders and inhabitants, residing on the river *Ristigouche*, in the county of *Bonaventure*, was presented to the House by Mr. *Christie*, and the same was received and read setting forth :

That by law heretofore the elections of the representatives of this county were appointed to be held at *New Carlisle* and *Carleton*.

That at the late election, however, the law was dispensed with, and the election held at *Carlisle* only; the effect of which has been to disfranchise the great majority of electors in the county, who, owing to the distance of their residence, 50 to 120 miles from the Poll, were unable to attend thereat, and to express their sense in the choice of a representative for the county, which has therefore been taken by surprise and defrauded of its franchise, by act of the Executive government.

Petitioners pray this House to cause enquiry to be made into the matter whereof they complain and to adopt measures to prevent a recurrence of the injustice and electoral fraud above mentioned.

Petitioners further submit that it would be conducive to order, morality, and good government, if the Returning Officer for the county were, at future elections, authorised to open a Poll at each of the principal places in the county (a day or two at each place) that is to say, at the mission on the *Ristigouche*, at *Carleton*, at *Richmond*, at *Bonaventure*, at *Carlisle* and at *Port Daniel*, inverting the order at each successive election.

Petition from  
Shoolbred on election.

A petition of divers Inhabitants of *Schoolbred*, on the *Ristigouche* and other places, was presented to the House by Mr. *Christie* and the same was received and read setting forth —

(36)

Petition from  
Shoolbred on election.

That Petitioners have by the holding of the last election only at *New Carlisle* been prevented from fully expressing their sense in the choice of a representative of this county, and been thereby virtually disfranchised; the distance between the place of their residence and *New Carlisle* being upwards of sixty miles.

That by law the places of holding the elections for the county of *Bonaventure* invariably were *New Carlisle* and *Carleton*, (the latter place being but eight to twelve miles distant from *Schoolbred*) and believing that the same reasons, viz. the facility of the inhabitants, which induced the Legislature of *Lower Canada* to fix these polls at the settlements, would also incline the Executive to cause the same to be holden thereat, relied thereupon, and were taken by surprise on learning that the election was to be held at *New Carlisle* only, and thereby defeated of their rights.

Petitioners believe the abuse to have been with the intention to defeat the majority of the county in expressing their sense at the late election, as in fact it has, and that the same is an electoral fraud of the most palpable and daring character.

Petitioners therefore pray that effectual measures be adopted to prevent a recurrence of the abuse and fraud whereof they complain, and also beg respectfully to suggest that it would materially contribute to the public good, if the polls at all public elections for the county were held at the different chief settlements thereof, beginning at the mission on the *Ristigouche* and ending at *Port Daniel*.

*Ordered* — That the said petition do lie upon the table.

Petition from  
Bonaventure  
complaining of the  
election of John  
Robinson Hamilton.

A Petition of divers Freeholders and Inhabitants of the county of *Bonaventure*, was presented to the House by Mr. *Christie* and the same was received and read, setting forth —

That the late election of a representative for this county, to serve in this House, has been characterised by unprecedented violence and corruption, and the return of *John Robinson Hamilton*, to a seat in the same, carried by illegal and undue means, by bribery in several instances, by threats in others, and by opening houses of public entertainment in the neighbourhood of the hustings, and in several other

places, in which ardent and intoxicating liquors were gratuitously given by the said *John Robinson Hamilton*, or others for him, and in his interests, for voting, and for procuring votes towards securing his election.

That independent of the above the by far greater mass of the electors of the county have been deprived of the opportunity of voting, at the said election and virtually disfranchised ; the place (*New Carlisle*) appointed for holding the said election being at one extremity and in the less populous part of the county, distant ten to thirty leagues from the denser and upper settlement of it.

That by law, the places of election heretofore for the said county were established at *New Carlisle* and at *Carleton*, settlements, forty-five miles a part ; but that on the late occasion the law was dispensed with and the election appointed to be at *New Carlisle* only, by which means the majority of the county have not been consulted in the choice of a representative but precluded from voting at the said election as if they had no concern or interest in it.

That although it is notorious to the public that the most flagrant and open corruption had been employed to procure the return of the said *John Robinson Hamilton*, the distance of the county from the seat of the Legislature will render it difficult to prove such bribery, corruption and undue influence on the part of the said *John Robinson Hamilton*, or of his friends, unless this Honorable Body can afford them an opportunity of examining, within the county, those residing therein, cognizant of the facts.

(37)

Petition from  
Bonaventure  
complaining of the  
election of John  
Robinson Hamilton.

Petitioners do not presume to point out the importance of an uncorrupt representation of the people in the assembly of the Province — That this House cannot but be duly sensible of this. But they complain that the late election has been carried by undue and corrupt influence — That the county of *Bonaventure* has not expressed itself, nor been permitted constitutionally to express itself. That *John Robinson Hamilton* is unduly returned as representative of the county, in contempt of the feelings and opinions of the majority of the electors excluded as aforesaid from their just right to participate in the said election, and by dint of bribery and corruption. And in conclusion they respectfully represent that they are ready to establish such to be the fact whensoever this Honorable House may be pleased to institute an inquiry and admit them to proof,

This drew forth from *Mr. Aylwin* comments upon the language of complaint contained in such petitions, it presenting the anomaly of members being justly withheld from indulging in personal declamation against each other but at the same time of being subject to listen to reflections bordering upon the extreme, under the form of petition.<sup>1</sup>

(37)

*Ordered* — That the said Petition do lie upon the table.

Motion for appointing  
standing committees.

The Honorable *Mr. Moffatt* moved, seconded by *Mr. Merritt*, that a committee of *seven* members be now chosen, by ballot, to prepare and report, with all convenient speed, lists of members of this House, to compose standing committees.

<i>First,</i>	of PRIVILEGES.
<i>Second,</i>	" GRIEVANCES.
<i>Third,</i>	" COURTS OF JUSTICE.
<i>Fourth,</i>	" PUBLIC ACCOUNTS.
<i>Fifth,</i>	" EDUCATION AND SCHOOLS.
<i>Sixth,</i>	" TRADE.
<i>Seventh,</i>	" AGRICULTURE.



*Eighth,* " ROADS AND PUBLIC IMPROVEMENTS.  
*Ninth,* on PUBLIC LANDS AND SEIGNORIAL RIGHTS.  
*Tenth,* of EXPIRING LAWS AND ENGROSSED BILLS.  
*Eleventh,* " PRIVATE BILLS.  
*Twelfth,* for HOSPITALS AND CHARITABLE INSTITUTIONS  
*Thirteenth,* for THE CONTINGENT ACCOUNTS AND OTHER OBJECTS CONNECTED WITH THE INTERNAL DEPARTMENT OF THIS HOUSE.

Which Committees shall have power to report to the House, from time to time, their observations and opinions upon the subjects and matters which shall be referred to them by this House, by bill or otherwise, as belonging to that class of objects for which they are severally appointed, with power to send for persons, papers, and records — then

On motion of Mr. *Thorburn*, seconded by Mr. *Prince*,

*Ordered* — That *to-morrow*, at the hour of 11 o' clock, A.M. this House do proceed to ballot for a committee to nominate the said standing committees.

Motion for Committee to consider and report on Kent election.

Mr. *Henry Smith* moved, seconded by Mr. *Aylwin*, that a select committee of five members be appointed to take into consideration the return made by *George Wade Foote*, Esquire, to the writ of election for the county of *Kent*, and also his conduct in relation thereto, with power to send for persons, papers, and records, and to report thereon.

Mr. *Smith* ... considered this a case demanding the severity of the house.<sup>2</sup>

Mr. *Aylwin* followed on the same side, deprecating in strong terms any corrupt practices on the part of a Returning Officer.<sup>3</sup>

Colonel *Prince* entreated members of the house to suspend their judgment in the present instance until they had obtained more information upon the subject. He considered that it would be rather a harsh proceeding to summon Mr. *Foote* to the Bar of the House from a distance of 500 miles, upon the allegations of a petition.<sup>4</sup>

Mr. *Smith* ... ((persisted)) to press his motion ....<sup>5</sup>

(37)

The question having been put upon the said motion a division ensued and it passed in the negative.

The order of the day for the House in committee on the rules and regulations for the government of this House, reported by the special committee, being read,

The House accordingly resolved itself into the said committee.

Mr. *Durand* took the Chair of the committee,

Committee of whole on Rules.

La chambre procède en comité sur les règles intérieures. L'une de ces règles, qui exige que tous ceux qui demanderont un bill leur conférant un privilège exclusif, déposent la somme de £20 entre les mains du greffier, suscite quelques débats, mais est à la fin adoptée à une grande majorité.

Les objections élevées contre cette règle sont en résumé que les habitants du Haut-Canada n'ont pas été accoutumés à cette condition, et qu'elle tendra à décourager l'esprit d'entreprise dans cette partie, où presque toutes les améliorations publiques se font par le moyen d'entreprises individuelles. On a été jusqu'à dire que si une pareille condition eût existé dans le Haut-Canada, la plupart des améliorations qu'on y voit n'auraient pas eu lieu. Cette règle fermait la porte au pauvre homme qui n'aurait pas la somme requise.

À cela il a été répondu que cette règle empruntée à la chambre des communes en Angleterre par l'assemblée du Bas-Canada, n'avait excité aucune plainte dans cette dernière province, et que le très grand nombre de cas prévus par cette règle, étant des entreprises coûteuses, qui demanderaient un grand capital, il serait bien étrange que les pétitionnaires ne pussent trouver facilement la modique somme demandée. Les Bills en question imposaient au pays une dépense considérable, à laquelle il était juste que les particuliers favorisés participassent. Autrement on imposait une taxe sur le public pour l'avantage de ces individus. D'ailleurs s'il se présentait des

cas où cette règle opérât durement pour des individus, on en serait quitte pour demander à la chambre qu'elle les exemptât de l'opération de la règle. Enfin il fut remarqué par un membre du Haut-Canada, qu'une pareille règle était nécessaire pour arrêter les demandes inconsidérées. Il y avait dans le livre des statuts un grand nombre d'actes privés, qui n'avaient jamais eu de suite, et qui avaient coûté des somme considérables pour devenir loi.<sup>5</sup>

(37)

and after some time spent therein,

Mr. Speaker resumed the chair,

(38)

Committee of whole  
on Rules.

And Mr. *Durand* reported that the committee had passed the said rules and regulations which he was directed to report to the House whenever it shall be pleased to receive the same,

*Ordered*—That the Report be received to morrow.

Then on motion of Mr. *Simpson*, seconded by Mr. *Cartwright*,

The House adjourned until three o'clock P. M. this day.

3 o'clock P.M.

Committee of whole  
on His Excellency's  
Speech at opening  
of Session.

The order of the day for the House in committee on the speech of his Excellency the Governor General to both Houses of the Provincial Legislature being read,

The House accordingly resolved itself into the said committee.

Mr. *Morris* took the chair of the committee,<sup>7</sup>

Mr. *Cameron* rose and said, he had now the honour to present a series of Resolutions, which it was his intention to submit to the consideration of the Committee for their adoption. He regretted much that the duty had not devolved upon abler hands, but he would explain them as fully as possible. At the present moment, he thought it would be better, without pressing their immediate adoption, were he only to read the series, and let them remain on the table for the perusal and consideration of the Members. The Hon. Member then read the Resolutions....<sup>8</sup>

1. **Resolved** — That this House do humbly thank his Excellency for his Speech from the Throne, at the opening of the present session.

We duly appreciate the motives which have led your Excellency to assemble the Provincial Parliament at the earliest period which the circumstances of the province, and the duties imposed upon your Excellency by the Imperial act for the Union of the Canadas, under which the Legislature is constituted, have admitted; and we are grateful for your Excellency's expression of satisfaction in now meeting us, to deliberate on the great and important interests committed to the charge of the Provincial Parliament.

We learn with pleasure, that no time was lost by the Executive of the province, in remonstrating against the forcible detention of a subject of Her Majesty, and inhabitant of this province, in the neighboring States, under a charge of a pretended crime; that provision was made for securing to the individual the means of defence, pending the further action of her Majesty's Government, and that the Queen's representative at Washington has since been instructed to demand his release.

We receive, with feelings of the warmest gratitude, the assurance which your Excellency has given us, by the Queen's command, of her Majesty's fixed determination to protect her faithful subjects in Canada, with the whole weight of her power.

We are deeply sensible of the great advantages which the province has derived, and must derive, from the arrangements by which, under the directions of the Treasury, the rates of postage between all parts of the colony and the United Kingdom, have been greatly reduced, as well as from those which have been made by the Deputy Post Master General, under your Excellency's directions, for the more speedy and regular conveyance of letters between the different parts of this province; and we confidently anticipate, with your Excellency, that the result of the labors of the Commission your Excellency has been pleased to appoint to inquire into and report upon the whole Post Office system of British North America, will be the establishment of a plan securing improvements in the internal communication, by post, within the colony, equal to those which have already obtained in the communication with the mother country.

Our earliest and most serious attention shall be given to many subjects of deep importance to the future welfare of the province which demand it; and your Excellency may rest assured, that

any measures which you may direct to be submitted to us, shall receive our prompt and willing consideration.

We feel that among the first importance of these subjects, is the adoption of measures for developing the resources of the province, by well considered and extensive public works ; and that the rapid settlement of the country, the value of every man's property within it, and the advancement of his future fortunes, are deeply affected by this question.

We concur with your Excellency in the opinion, that the improvement of the navigation from the shores of lake Erie and lake Huron to the ocean, is a work requiring a great outlay of money, but promising commensurate returns. We are aware of the difficulty which would have existed in undertaking this work, in the present financial condition of the province ; and we learn with gratitude and pleasure, that your Excellency has received the authority of her Majesty's Government to state, that they are prepared to call on the Imperial Parliament to afford their assistance towards this important undertaking ; and that, in the full belief that peace and tranquility will be happily established in the province, under the constitution settled by Parliament, and that nothing but a relief from its most pressing difficulties (sic) is wanting to its rapid advancement to prosperity, they will propose to Parliament, by affording the guarantee of the Imperial Treasury, for a loan to the extent of no less than a million and a half sterling, to aid the province, for the double purpose of diminishing the pressure of the interest on the public debt, and of enabling it to proceed with those great public undertakings whose progress during the last few years has been arrested by financial difficulties.

Our best consideration will be given to the measure which your Excellency intends to submit to us, embracing a plan for these important purposes, and we shall thankfully receive the extracts which may be laid before us, for our information and that of the people of Canada, from the despatches in which this gratifying assurance of the intentions of her Majesty's Government were communicated to your Excellency.

We cordially concur with your Excellency in the opinion, that emigration, and the disposal and settlement of the public lands, are subjects so intimately connected with the welfare of the province, that we cannot but take the most lively interest in all measures that may relate to them ; and that there exists within the province, no means so certain of producing a healthy flow of immigration from the mother country, and of ultimately establishing the immigrant as a settler and proprietor within the colony, as the power of affording sure employment for his labor, on his first arrival. The assistance of Parliament, for the public works, which may be undertaken here, will, in a great measure, provide for this. But we are happy to learn, that yet further assistance will be afforded us, in this great work ; and that, with a view further to aid immigration, your Excellency is authorised to declare to us, that her Majesty's Government are prepared to assist in facilitating the passage of the immigrant from the port at which he is landed, to the place where his labor may be made available ; and that a vote of money for this purpose, will be proposed to the Imperial Parliament. We shall be gratified by receiving any communication which your Excellency may have to make to us, on this subject ; and we shall not fail to give our best consideration to any scheme for the settlement and disposal of the public lands, which your Excellency may be pleased to lay before us.

Our earnest and most serious attention shall be given to any measure which your Excellency may submit to us, for the more extended application of the principles of local self-government, which already prevail to some extent, throughout that part of the province which was formerly Upper Canada, for enabling the people to exercise a greater degree of power over their own local affairs, and for the establishment of such a form of local self-government for those districts of the province which are unprovided with it, as may insure satisfaction to the people, while it preserves inviolate the prerogative of the Crown, and maintains the administration of justice pure from party and popular excitement.

Your Excellency may rest assured, that we hold the education of the people to be a subject of paramount importance, and that we sincerely regret that the want of due provision in this behalf, should have been so long felt in the province — we are aware of the difficulty of establishing an efficient system by which the blessings of instruction may be placed within the reach of all ; but we are aware also, of the overwhelming importance of the subject, and it shall be the object of our best attention, and our most anxious consideration. We humbly thank your Excellency for the promise of your co-operation in our labors, and we trust that, with that co-operation, we shall be able to obtain a measure which, if it should fail so to reconcile conflicting opinions as to meet the approbation of all, will at least serve as a step by which an advance to a more perfect system may be made, and the difficulty under which the people of the province now labor may be greatly diminished subject to such improvements hereafter as time and experience may point out.



We thank your Excellency for the assurance that the financial accounts of the province, and the estimates for the public service, shall be submitted to us with the least possible delay : and while we shall give our prompt and deliberate attention to the financial measures which your Excellency may lay before us, for rendering the proposed assistance from her Majesty's Government advantageous to the province ; we feel grateful to your Excellency for the assurance that, whatever they may appropriate for this purpose, will be economically employed and rendered effective.

We humbly thank your Excellency for the expression of your confidence in us, for the regulation of the different important matters which must necessarily come before us ; we will endeavor so to order our counsels as that Canada, united under a constitution which the Imperial Legislature has framed with an earnest desire for the welfare of this portion of the British empire, and subject to such modifications, as experience may hereafter require, cannot fail to prosper.

We gratefully receive as pledges of the sincerity with which the mother country desires to promote the prosperity of Canada, and assist in the well working of the new institutions which it has established ; the generous aid which your Excellency has announced to us — the determination which your Excellency has been empowered to state, on the part of the Government, to devote annually a large sum for the military defences of the province, and the fixed and settled determination which your Excellency has declared to us, in her Majesty's name, that her North American possessions shall be maintained at all hazards, as a part of her empire. We are aware, that the eyes of England are fixed anxiously on the result of the great experiment which is now to be tried in this province. We will use our best endeavors to insure its success, and humbly hope, that the aid of Parliament in our undertakings, the confidence of the British capitalists in the credit we may require of them, the security which the British people will feel in seeking our shores, and establishing themselves on our fertile soil, will carry the improvement of the province to an unexampled height. The rapid advance of trade and immigration, within the last eighteen months, afford ample evidence of the effect of tranquility in restoring confidence, and promoting prosperity. We pray fervently that no dissensions may mar the flattering prospect which is open before us — that our efforts may be steadily directed to the great practical improvements of which the province stands so much in need — and that, under the blessing of that Providence which has hitherto preserved this portion of the British dominions, our counsels may be so guided as to insure to the Queen, attached and loyal subjects, and to United Canada, a prosperous and contented people.\*

In submitting them, **Mr. C. ((Cameron))** remarked, that the House would perceive that there was nothing in them of a novel or objectionable character ; they responded in substance, in the same language as that of the Speech from the Throne ; yet still if Hon. Members would wish time for reflection, he would certainly offer no objection. The present was a most important crisis in the affairs of the Province, when a new and great experiment was about to be put into action and fully tried. Never had there been a period at which the Speech from the Throne was looked forward to with greater solicitude and anxiety by the country, than that just delivered ; none the operation of which involved more responsibility upon the head of the Executive and its advisers. The dry and parched soil did not thirst more for the refreshing dews of heaven or the coming shower, than this country look forward and panted for the establishment of a Government, on such a basis as would ensure peace, tranquillity, and harmony, and which must result in the extension of its trade, the increase of its means, and the stability of its institutions, with the happiness of all classes of Her Majesty's subjects. The Speech from the Throne must prove satisfactory to the country, if its various announcements were candidly examined. From the terms of that Speech, the House would perceive that the Government intended to submit for their consideration, certain measures in the shape of Bills, already maturely prepared, and, from the character of the Executive, those propositions would probably be found to be, in their nature, perfect and satisfactory. He regretted, however, to find that they were not prepared to come down to the House with a Bill on the very important and hitherto neglected subject of education ; but when they considered how much has been written and spoken on the subject in England and other countries, and the formidable and overwhelming difficulties everywhere experienced in maturing a perfect system, they would not wonder that they here stood in a predicament which might almost appear insurmountable. There was as great a diversity of opinion on that subject as on matters of religion. He was glad, however, that the subject had been noticed, and he had no doubt but that the labours of the Session would result in some amelioration of the existing state of education. It was made quite a hobby-horse among the candidates throughout all the elections ; every address to the elector for many years past contained some pledge on the subject, which it was time should be redeemed in a good and sufficient Bill. Passing from this subject, he must refer, with great satisfaction, to the opening sentence

or announcement of the Speech, which related to the case of Mr. McLeod. He felt convinced, that if Hon. Members had but a spark of the patriotism of the ancient Romans in their composition, or one particle of the love of country manifested by the Highlander, they would advocate a still stronger and more decisive action, and at once lay aside all other differences of opinion, of religion or of origin, all ideas for or against Responsible Government, or other disputed questions, to unite in the expression of their opinion upon a matter the most serious, as involving the lives and liberties of their fellow-subjects. — (Cheers.) Should any evil result happen to McLeod, he hoped to find them all united, and acting under national pride, seeking for full reparation for injuries committed to one of themselves. It could not but be truly satisfactory to them as Canadians to know that the meanest of her subjects would be protected by Her Majesty from oppression by the whole weight of her influence and her power. The next subject in the Speech was perhaps regarded by some Members as being of less general importance; but for his part he must say there was a portion of the community to whom it was of extreme value. He alluded to the reformatory in the Post Office Department. To the numerous families scattered over the Province who have severed all the ties of relationship with home, the high rates of postage formerly charged had effectually cut off every approach at correspondence. He could tell them that a change from 3s or 5s to the sum of 1s 2d was hailed with joy and gratitude. He had seen the tears roll from the eyes of old settlers, when they found they could renew the correspondence with their friends abroad on such moderate terms. It would be useless for him to refer at any length to the great facilities which these changes in the postage system would have upon the interests of our commerce, and he hoped to find still further improvements made, by amending the post rates more immediately affecting internal correspondence. He knew well that some Members would sneeringly smile at any allusion to the public debt and the offers made through His Excellency to aid us; but he must say he rejoiced to find there was a chance through our restored credit of obtaining a million and a half to relieve us of our present burthens. He was glad to find that the unanimity which had recently prevailed in the Province, the loyalty and fidelity of the people, and the well-known resources of the country, had again obtained for us the confidence of the Mother Country. All that we now want is men, women, and money. It was because we had been disunited and had dissensions among us — it was because all our affairs had been troubled, that capital had been driven from us to other quarters; and when we could no longer obtain that capital, we truly became the girdled tree we had been called. No principle was abandoned; nothing sacrificed in this change. It was not so much for the mere money to be obtained that he rejoiced, as at the circumstances that it arose from the improved character of the country abroad, which promised its future security and stability. There seemed to him one other topic in the Speech which had caused some excitement and anxiety, but which he would not pretend to say he could sufficiently explain — he meant local self government. If by it he was given to understand a more general control given to the people in the several Townships of their own local matters, and the introduction of the machinery for regulating the expenditure of the statute labour, relieving the Magistracy of most irksome and onerous duties, it might prove very advantageous. The present system in Upper Canada was defective, though not alluded to in the Speech; and if a good Bill could be introduced to alter that system, he was confident that it would be hailed by the farmers throughout the Province as being of a great deal more importance to them, as affording them personally a power they had never before enjoyed, than all the abstract questions, which did not personally and sensibly affect them, arising out of responsible government. With these observations he would conclude by moving the first Resolution; after which he would ask the Committee to rise.<sup>10</sup>

Mr. Neilson suggested that the resolutions should be printed.<sup>11</sup>

Mr. Prince could (sic) not see what object would be obtained by printing the Resolutions, which contained a mere acquiescence in the principal sentiments of the Speech, which had been before th (sic) House and the country for several days. It was expressed in terms so clear, so positive, so forcible, in its views so conclusive and satisfactory — so easy to understand, and so incontrovertible in argument, that he could not see why an echo to it should be printed. It was their duty now to reply to that Speech as expeditiously as possible, and after it has been fairly discussed, let us tell His Excellency whether we applaud or differ from his sentiments. He had no doubt that all were prepared to give their opinion. Perhaps some Hon. Members had objections to offer, and were now prepared to differ; he would entreat of them, as they had decided upon this being the proper period for debate, to come forward manfully, and at once try whether the House approve or not, and record their votes. If the answer be ready and prompt, the country will regard their course as being approving; while every delay must be considered as a mark of disapprobation. They could easily come to a decision, as the Resolutions



offered embodied an answer such as the Government had a right to expect. With these observations, he must seek for no further delay.<sup>12</sup>

**Mr. Ogden** deemed the proper course would be merely to submit the Resolutions for the consideration of Members, and to move only that the Committee rise, report, and obtain leave to sit again tomorrow. He would state, on the part of the Administration Members, they were fully ready to proceed with the discussion, but he had no desire to force other Members, without preparation, and without printed copies of the Resolutions.<sup>13</sup>

**Mr. Hincks** was sorry that any further delay should be sought. The correct custom of England was for the servants of the Crown to come down with an answer ready to submit to the House. The gentlemen opposite, on the Treasury benches, had failed in their duty — they ought, ere this, to have proposed their address — and when it was understood that this discussion was to be now proceeded upon, the Resolutions ought to have been submitted at the morning sitting, without obliging a further delay to to-morrow; but still since such seemed to be a prevalent opinion, time should be given for consideration, and no one taken by surprise.<sup>14</sup>

**Mr. Ogden** intimated that the last Member was unquestionably right in regard to fact, as far as he had alluded to English custom, but wrong as to the particular course here to be adopted. He ought to remember, that at the suggestion of Hon. Members on this side of the House, the discussion had been postponed, in order to allow of the Speech being translated and printed in French; no man was more ready than himself to yield to those who sought delay for the sake of information, and he hoped the Hon. Member for Essex would not object to the delay now proposed, and would defer to the wishes of those who desired to inform themselves as to the precise terms of the Resolutions.<sup>15</sup>

**Mr. Buchanan** then addressed himself... to the treasury benches with the view of obtaining a candid and explicit statement of the principles upon which the government was to be carried on. The question couched in the hon. member's own distinct and intelligible terms, was as follows: — "Do the members of the Executive acknowledge their responsibility to Canadian public opinion, as expressed by a majority of this House, for the advice which they give to the head of the government, so far as not to remain connected with an administration against which a vote of want of confidence has passed in the Assembly, unless in case of an immediate dissolution of Parliament? — Will the ministry in this province recognize the principle of retaining office when they cannot maintain a majority in the House of Assembly?" The hon. gentleman's sentiments with regard to McLeod are a counterpart of that high and indignant feeling that has been re-echoed from the mother country, and if we have not degenerated from the spirit of our forefathers, and would maintain the national honour unshaken and unsullied, in the words of the hon. member for Toronto — "it would be better that the British empire should be swamped at once, than the principle be allowed of inflicting with impunity an injury upon McLeod."<sup>16</sup>

**Mr. Attorney General Draper** said he was very happy to have an opportunity afforded him (the first, excepting an incidental allusion, since he had been a Member) of entering into an exposition of his own opinions on this important subject, since by those opinions he had been governed in entering the public service. He would, in the first place, declare, for the information both of those who act with him, and of those who opposed him, that so long only as he could feel that in sustaining the policy of the Head of the Government, he did not sacrifice those opinions he conscientiously entertained, would he continue to hold office. He desired further to be understood as explaining views in which every one of his colleagues in office entirely concurred. They had felt it was due to the House that their principles should be clearly expressed, and they had, therefore, discussed the question fully together — not seeking light from any extraneous quarter, but making up their minds upon a full and unreserved consultation among themselves. And he was authorized, in behalf of those with whom he was associated, to declare that they fully concurred in the opinions he was about to express. In the first place, he would refer to the office and duties of the Governor of this Province. He looked upon his office as one of a mixed character — first as the Representative of Royalty — secondly, as a Minister responsible alike to his Sovereign and to the Imperial Parliament for the faithful discharge of the duties of his station — liable to be impeached for misconduct before the highest tribunal of the Empire — a tribunal before which he could not discharge himself by declaring that the course for which he was accused had been followed under the advice of any man or any set of men — of the officers of his Government, or of his Executive Council. If this view be correct, it



appeared to him (Mr. D.) to follow, as a necessary consequence, that where the responsibility attached, there the power must be vested. To give power without responsibility, was inconsistent with the principles of the Constitution — to enforce responsibility, when you gave no power, was to violate the principles of natural justice. The two were, in his opinion, inseparable, and he begged the attention of Hon. Members to this, as it was the basis of his opinions on the subject. He could not better fortify his own views than by quoting to the House from Lord Glenelg's despatch of the 5th Dec. 1835 — a despatch to which he gladly referred — a record to which he could appeal of the sentiments he was now expressing — “Without entering, on the one hand, unnecessarily into a discussion of those general principles to which my attention is thus invited, or digressing, on the other hand, into personal topics, it is enough for me to observe, on the present occasion, that experience would seem to prove that the administration of public affairs in Canada is by no means exempt from the control of a sufficient practical responsibility. To His Majesty and to Parliament the Governor of Upper Canada is at all times most fully responsible for his official acts. That this responsibility is not merely nominal, but that His Majesty feels the most lively interest in the welfare of his Canadian subjects, and is ever anxious to devote a patient and laborious attention to any representations which they may address to him, either through their Representatives, or as individuals, is proved not only by the whole tenor of the correspondence of my predecessors in office, but by the despatch which I am now addressing to you. That the Imperial Parliament is not disposed to receive with inattention the representations of their Canadian fellow-subjects, is attested by the labours of the Committees which have been appointed by the House of Commons, during the last few years, to enquire into matters relating to these Provinces. It is the duty of the Lieutenant Governor to vindicate to the King and to Parliament every act of his Administration. In the event of any representation being addressed to His Majesty upon your official conduct, you will have the highest possible claim to a favourable construction — but the presumption which may reasonably be formed in your behalf will never supersede a close examination, how far they coincide with the real facts of each particular case which may be brought under discussion. This responsibility to His Majesty and to Parliament is second to none which can be imposed on a public man, and it is one which it is in the power of the House of Assembly, at any time by address or petition, to bring into active operation.” In addition to the foregoing, he (Mr. D.) would only refer the Committee to Lord Sydenham's answer to an Address presented to him at Halifax, in which he has in a few but well-considered expressions embodied the substance of the foregoing remarks. The second branch of the subject involves the office and duties of Her Majesty's servants in this Colony, and particularly those who are Members of this House; and in entering into this question, he would again remind Honourable Members of what he had before laid down — that responsibility and power must go hand in hand, and that he who is responsible for the due exercise of power cannot and dare not (for he would be impeachable for the act) transfer that power into other hands. And here too he would further remark, that a confusion of idea has been not unfrequently occasioned in this matter, by attaching the same meaning to the use of the terms “Responsible Government” and “Responsible Executive Councillor.” It was one of the conditions of free institutions, that Governments should not be irresponsibly conducted: But the character of that responsibility varied with the character of the Constitution, namely, whether it is of the Colony or of the Mother Country that we are speaking. So long as the latter in a greater or less degree controlled the former, so long it was impossible that the whole responsibility could devolve upon those conducting affairs here, and if that control were put an end to, the connexion would exist but in name. He would not pursue this subject, because he should before concluding again refer to despatches for a full exposition of his views. In accepting office under the Government, he had taken upon himself the duty of giving his honest advice, to the best of his judgment, upon all subjects on which he should be consulted, and of advocating and sustaining in his place in this House those measures which the Head of the Government might think it his duty to recommend to the country, as calculated to promote its prosperity and improvement. It was his duty, so long as he held office, to follow this course, and when measures were determined on by the Head of the Government, who in that respect was to be regarded as the responsible Minister of the Crown, to which he (Mr. D.) could not give his support, honour and duty could point out but one path — and that was to resign. There are few men who have long acted in a public capacity who have not been made the objects of bitter animadversion and censure. The frequent occurrence, and almost equally frequent injustice of such attacks may and does create an indifference to them; but a man must be indeed hardened in sentiment and feeling who does not feel his responsibility to public opinion — not to that hasty expression of it which excitement or party feeling may give rise to, but to that which results from the conviction of a long course of time, and which affects public and private character. No one actuated by proper principles can be insensible to the

force of this responsibility, which is second only to that tribunal before which the highest and the lowest alike must bow. He would trouble them with another passage from the same despatch he had before referred to : — "I further unreservedly acknowledge that the principle of effective responsibility should pervade every department of your Government, and for this reason, if for no other, I should hold that every public officer should depend on His Majesty's pleasure for the tenure of his office. If the head of any department should place himself in decided opposition to your policy, whether that opposition be avowed or latent, it will be his duty to resign his office into your hands, because the system of Government cannot proceed with safety on any other principle than that of the cordial co-operation of its various members in the same general plan of promoting the public good. Some of the members of the local Government will, also, occasionally be Representatives of the people in the Assembly, or will hold seats in the Legislative Council. As Members of the local Legislature, they will, of course, act with fidelity to the public, advocating and supporting no measure which, upon large view of the general interests, they shall not think it incumbent on them to advance. But if any such person shall find himself compelled, by his sense of duty, to counteract the policy pursued by you, as the Head of the Government, it must be distinctly understood that the immediate resignation of his office is expected of him, and that, failing such a resignation, he must, as a general rule, be suspended from it. Unless this course be pursued, it would be impossible to rescue the Head of the Government from the imputation of insincerity ; or to conduct the administration of public affairs with the necessary firmness and decision." To this he (Mr. D.) would desire to add one from Lord John Russell's despatch of the 14th October, 1839, in which, referring to the distinction between the Cabinet of the Imperial Government and the Council of the Colony, he says, "But if we seek to apply such a practice to a Colony, we shall at once find ourselves at fault. The power for which a Minister is responsible in England is not his own power but the power of the Crown, of which he is, for the time, the organ. It is obvious that the Executive Councilor of a Colony is in a situation totally different. The Governor under whom he serves receives his orders from the Crown of England — but can the Colonial Councilors be the advisers of the Crown of England ? Evidently not ; for the Crown has other advisers, for the same functions, and with superior authority. It may happen, therefore, that the Governor receives, at one and the same time, instructions from the Queen and advice from his Executive Council totally at variance with each other. If he is to obey his instructions from England, the parallel of constitutional responsibility entirely fails. If, on the other hand, he is to follow the advice of his Council, he is no longer a subordinate officer, but an independant Sovereign. It is now said that internal government is alone intended. But there are some cases of internal government in which the honour of the Crown, or the faith of Parliament, or the safety of the State, are so seriously involved, that it would not be possible for Her Majesty to delegate her authority to a Ministry in a Colony." And he (Mr. D.) would further call to the recollection of the Committee, the Resolution moved by Lord John Russell, and which was confirmed by the Houses both of Lords and Commons — "That while it is expedient to improve the composition of the Executive Council, it is inadvisable to subject it to the responsibility demanded by the majority of the House of Assembly." He would only add that to the foregoing principles, thus clearly laid down, he gave his unreserved assent. Upon them he had accepted office — and he would resign office whenever his tenure of it became inconsistent with their application. There remained only one point on which it was necessary to offer a few remarks — and that was as to the maintenance of harmony between the Executive and the Legislature. To preserve this harmony, His Excellency (sic) has on a former occasion declared that he had received Her Majesty's commands to administer the Government in accordance with the well understood *wishes and interests* of the people. In carrying out this pledge, it has been felt right, and a part of the duty which the Government owe to the people, to endeavour to anticipate the wants, and prepare such measures as will promote the prosperity of the Province. In pursuing this object, should discord arise, the restoration of harmony becomes the duty of the Head of the Government. For this, he is responsible. The Council are not to dictate to him. If he finds that he has been embarrassed by dishonest or incapable servants of the Crown, he can at once relieve himself of them, and by the appointment of more fitting officers, endeavour to restore the harmony which had been disturbed. It may, however, happen, that his plan may be defeated — his efforts to promote the public welfare thwarted by other causes. It is impossible to foresee in what shape such difficulties may arise — perhaps from an opposition to men rather than to measures — perhaps by means of such opposition the means of gaining some desired end to which Government is honestly opposed, and which the Mother Country could not accede to. In these, or other similar cases, an appeal may be made to the people by a dissolution. Circumstances may be imagined which would render it impossible for him to continue the administration of public affairs, with honour to himself, or advantage to the people. In some one or other of



these modes, however, the effort to restore harmony, when interrupted, must be made. If so improbable, and he might add lamentable, a contingency should arrive, that every effort should prove unsuccessful, then a state of things would arise, on which, until it occurred, he felt it out of place to offer any observations. He had now endeavoured to express the views entertained by himself and his colleagues on this important subject. To the responsibility which resulted from these principles, and their honest application, they would be found ready at all times cheerfully to bow — but they were anxious to be understood as disavowing the assumption of any responsibility or power not legitimately flowing from these principles.<sup>17</sup>

**Mr. Baldwin** said he had certainly listened to the speech of the Hon. gentleman with a great deal of attention, and with a good deal of pleasure; probably however that pleasure had not been altogether unalloyed. But he could discover from the speech of the Hon. and learned gentleman that a new principle has been applied with reference to the administration of affairs in which that Hon. and learned gentleman had borne so conspicuous a part. A great and important principle is involved in the subject of present discussion, one which has occupied the attention of the country for a number of years, and one on the faithful carrying out of which the continuation of the connexion with the Mother Country in a great measure depends — (hear, hear,) — the question should be clearly and distinctly understood, not only by those occupying the situation which the Hon. and learned gentleman does, but by the whole country. He (Mr. B.) would follow the Hon. and learned gentleman in the principal points of his speech, though he did not expect that the discussion would have been entered into today, and perhaps there might not be after all so much difference between the views of the Hon. and learned gentleman and himself, if indeed there were any at all, as would be at first supposed, (hear, hear.) He would begin with the view which the Hon. and learned gentleman had taken of the character and position of the head of the Government in this colony, which he (Mr. B.) agreed with him in calling a mixed character. The very nature of a colonial administration required, as one acquainted with the subject must perceive, that the head of that Government should be responsible to the Home Government, as he is the connecting link between the colony and the Parent State, it is his duty to be careful of the interests of the Sovereign whose servant he is, and careful to preserve the connexion between the colony and the Mother Country. And as for the principle of Responsible Government as he (Mr. B.) had always understood it, and advocated it, instead of lessening that responsibility whai (sic), he had advocated served to increase it, as the Hon. and learned gentleman had already remarked. He agreed with him therefore that the head of the Government is of a mixed character, and that he is responsible to the Home Government, for the proper administration of the Government in the colony. He would admit that in the administration of the Government, questions may arise, in which he may not be prepared to adopt the advice which may be tendered him. But if he (Mr. B.) understood the Hon. and learned gentleman right, that the Council, of His Excellency are to offer their advice only when it is demanded of them, and on all other occasions remain mere passive observers of the measures adopted by the Government, he would beg leave from such a system as this entirely to dissent — (hear, hear.) That all measures must necessarily receive the Governor's assent, he would readily admit, but that those gentlemen whom he calls to his Council are never to open their lips except when he particularly and expressly calls upon them to do so was what he could never acquiesce in or approve of; in fact such a Council as that would be no Council at all: to adopt such a course would be, in his opinion, acting in direct violation of the oath which as Executive Councillors they were called on to take. They are commanded to advise His Excellency on all matters connected with the public good. (Here Mr. Baldwin read the oath prescribed to be taken by the Executive Councillors.) In his (Mr. B.) understanding of this oath, a Councillor is necessarily bound to bring under the notice of the head of the Government those measures which in his estimation the country required. He would freely admit, that unless the representative of the Sovereign should acquiesce in those measures so recommended, there would be no means by which that advice could be made practically useful, but this consideration does not for a moment relieve the members of that Council from the fulfillment of an imperative duty. If that advice were accepted, well and good; if not, his course would be to tender his resignation. Now the Hon. and learned gentleman admits, that in the event of the Administration not retaining the confidence of Parliament, they should resign. — (Hear, hear.) If he had understood the Hon. gentlemen (sic) aright as intending to go to this extent, then it would seem that the difference between the views of that Hon. gentleman and his own amounted only to a difference in terms, and not to a difference in fact. But should those gentlemen (sic) be prepared, notwithstanding, a vote of want of confidence should be passed by that House, to retain their seats in the Council, then he must say that he entirely dissented from them. He believed, however, that he had understood the Hon. gentleman aright, and for this reason, that that was not the first time that a question of this kind had been



agitated; and the principle had at length been pretty generally admitted, that both in this, and still more fully in some of the neighbouring Provinces, that unless the advisers of His Excellency possessed such an extent of public confidence, as to enable them to procure their returns to this House in the first place, and enjoyed also the confidence of the Representatives of the country at large, so as to be able to procure the passing of those measures which they might think proper to recommend, they could not consistently continue to be members of the Government. If the Hon. gentleman had intended to be understood as going this length, then he would perfectly concur with him; and if the practical application of this principle be admitted, then there would be found to be no difference in reality between the Hon. gentleman and himself. The Hon. and learned gentleman had referred to a despatch of Lord Glenelg, and it was somewhat remarkable, that as it announces the same principles upon which that Hon. Member now professes to act, that so long time should have been suffered to elapse since the publication of that despatch, without any practical application of those principles having been carried out. — (Hear, hear, hear.) It is remarkable that no approach to the carrying out of the principle of responsible government took place until the last session of the last Parliament of Upper Canada. Had he (Mr. B.) not supposed that it was the intention of His Excellency the Governor General to carry into effect the principles of responsible government as laid down in the despatch of Lord John Russell which had been referred to by the Hon. and learned gentleman, he (Mr. B.) would have been perfectly inexcusable for accepting office under the Government: but he had then believed, and still continued to believe, that it was practicable to carry out those principles in this Province. — (Hear, hear.) He believed from what had fallen from the Hon. gentleman, that the same construction would be put upon the principles laid down in that despatch that he had always put upon it, and in which he was supported, not only by many Hon. gentlemen around him, but also by some of the best friends of this country in England, and particularly by that staunch and well-tryed friend of this country, Mr. Hume, who he believed was now member for Kilkenny. — (Hear, hear.) That gentleman was better acquainted than he (Mr. B.) could be, and he had declared that the language of that despatch conceded the principle which the Parliaments of the two Provinces had for twenty years been calling upon the Mother Country to concede. That gentleman was too firm a friend of this country to be capable of endeavouring to mislead us — (hear, hear) — and to that gentleman he believed those Provinces were deeply indebted. — (Hear, hear, hear.) Now, Sir, believing that this is the true interpretation of that despatch, and that the Hon. Gentleman (Mr. Draper) has declared himself prepared to act upon it in the manner to which I have alluded, I am prepared to wait patiently and see whether his acts will agree with those professions, and whether he will be prepared when the time comes for giving a proof of his sincerity — to act in accordance with what he has this day declared. The Hon. gentleman from Toronto says "Yes." I have long had entire confidence in that gentleman, and I only wish I had equal confidence in others. (Hear, hear, hear.) He (Mr. B.) was, however, perfectly willing to wait patiently and see whether those gentlemen would act upon these principles. But one thing must be recollected, that the principle of responsible government is only a means to an end. If this responsibility is not to lead to the carrying out of what the country requires, it will be a mere dead letter. He believed, however, that this much having been conceded, they would be enabled to enforce upon both the Provincial and the Home Governments a due attention to the wants and wishes of the country. He would now conclude his observations by adding one remark; he could have wished that the Representative of Royalty in this Province had inserted in the Speech which had been delivered to the Legislative Council and Assembly, some reference to this matter, and not to have left it to the Hon. Member for Russell (Mr. Draper), in his place on the floor of the House merely, to announce so important a circumstance to the Representatives of the people. He thought it would have been a happy occasion for the announcement of so important a fact, to have introduced it in the Speech from the Throne. He trusted he had not misunderstood the Hon. gentleman, in the announcement which he had this day made to the House.<sup>18</sup>

**Mr. Attorney General Draper** said he felt it necessary to protect himself from the possibility of a moment's mis-understanding, although he thought it impossible to draw from what he had said, any other deduction than what he had intended: he would therefore, read over again that part of Lord John Russell's despatch to which he had before referred.<sup>19</sup>

**Mr. Baldwin** then said he found it necessary to put one question to the Hon. gentleman. In the event of such instructions coming from the Home Government, as he could not coincide with, in what manner would he then act? <sup>20</sup>

**Mr. Draper** replied that he would immediately resign.<sup>21</sup>

**Mr. Merritt.** — I am both surprised and disappointed at the explanation offered by the hon. and learned Attorney General for the West. Why does he continue to mystify a question so

simple and well understood, thereby creating doubt and suspicion, where none should exist. He refers to the despatch of Lord Glenelg, and leaves us to infer that the same system which existed before Lord Durham's Report made its appearance, is hereafter to be continued. It is true, he says the Executive Council is to resign when required by the Governor, or does not possess the confidence of the House of Assembly, but damps its effect by an allusion to an old despatch, which was applicable to a different subject, and when the government was conducted upon an entirely different principle. — Why not come out openly and boldly, and avow the change recommended, and satisfy the country. The policy of the Government is supposed to be set forth in this *Review*....<sup>22</sup>

Attorney General ((Mr. Draper)) said without authority.<sup>23</sup>

Mr. Merriitt. It may be without authority, but I believe they represent the sentiments of Government : however, it says —

"The next guarantee for good government brings us to the second part of our demand for Responsible Government, namely, that our local affairs shall be managed by a kind of Provincial Ministry. This has been virtually admitted. All government business, which of course includes the chief part of the business of the country, will be managed in the Legislature by Government officers — heads of departments."

Again, "the resignation of the Government officers, or their change of policy, when in a settled minority in the Legislature, will follow as a matter of course, from the new position they sustain ; for they cannot keep it, unless they can command a majority."

Again, "the first step in this change, is to bring public officers before the bar of public opinion, and test their claims to public confidence, at the hustings. If a number sufficient to conduct the public business cannot command confidence there, they must give place to those who can ; and thus the system will soon resolve itself into that practical working of the British constitution which insures the harmony of the Executive with the representatives of the people."

Lord Durham says —

"The wisdom of adopting the true principles of representative government, by entrusting it to persons who have the confidence of the representative body, *has never been recognized in the government of the North American colonies*. The natural state of Government, in all those colonies, is that of collision between the Executive and the representative body."

"A Governor arriving in a colony in which he has had no acquaintance with the state of parties, or character of individuals, is compelled to throw himself almost entirely on those he finds placed in the position of his official advisers. Those official advisers are controlled by no responsibility, subject to no serious change, exercising over the whole government of the province an authority utterly independent of the people and their representatives, and possessing the only means of influencing the Government at home, or the colonial representative of the Crown."

Is not this true to the very letter, and are the people still to infer that they are to have no change from a system which nine-tenths of the population will never submit to again. The remedy proposed is equally simple and efficient.

"Every purpose of popular control might be combined with every advantage of vesting the immediate choice of advisers in the Crown, were the colonial Governor to be instructed to secure the co-operation of the Assembly in his policy, by entrusting its administration to such men as could command a majority ; and if he were given to understand that he need count on no aid from home, in any difference with the Assembly that would not directly involve the relations between the mother country and the colony."

Is not this precisely the policy advocated in the Review, in other words ? Again, it is stated that in Lord Sydenham's reply to an address in Halifax, he declared he would not surrender the power delegated to him by her Majesty, to any one. What says Lord Durham ? He would not impair a single prerogative of the Crown ; so that this expression which has been used to create distrust against his Excellency, is similar to that used by Lord Durham. For my own part, I have ever expressed my firm conviction, that it was the intention of the home Government to concede this principle — it had been carried into practical operation in Nova Scotia — the administration had openly avowed their adherence to it, and I cannot conceive why all doubts on the subject should not be removed at once, and allow Lord Sydenham the credit which will be due him. This policy will secure to the Provincial Legislature all we desire, "the practical management and control of our internal affairs," and every vote I give in this House, will be with the view of attaining that object ; and when we experience the working of this system, the country will owe a debt of gratitude to Lord Sydenham for bringing it into operation, second to no person except the originator, Lord Durham.<sup>24</sup>



**Mr. Cameron** said he felt it necessary to express his opinion upon this subject, and, in doing so, he would not occupy a great deal of time. He felt with the Hon. gentleman who had spoken last, that however clear it might be to the Hon. and learned Member for Hastings, it was not so clear to him that the Members of Government had made any distinct avowal of the intention to act upon the principles of Responsible Government. — (*Hear, hear.*) If it were really their intention, it was very easily to declare it. He felt it to be an important point, because it was upon a conviction that such was to be the case, that he had taken his determination to support the Administration of Lord Sydenham. — (*Hear, hear.*) He (Mr. C.) was extremely sorry upon his arrival here, and meeting with his friends, to find those with whom he had expected to act, pursuing a totally different course. And he had been extremely sorry also at finding the Hon. and learned gentleman about withdrawing from the Government; and he had felt it his duty to state to that gentleman, that he (Mr. C.) would be precluded from acting with him, because it could not be expected that he would blindly follow any man, however highly distinguished. That he (Mr. C.) was content to support the Administration, until it should be clearly shewn that the Government had not the confidence of the country. He then reserved to himself the right of opposing that Administration as strenuously as he would now give them his support. — (*Hear, hear.*)<sup>25</sup>

**Capt. Steele** said that as he was the seconder of the resolutions he would explain the views which he entertained with regard to the course of policy to be pursued by the government. He (Capt. S.) had also come to that house with the determination to give support to the administration of the Governor General, provided he held to the professions which had been advanced as to responsible government; but he came to that house unshackled with pledges, free to act according to the dictates of his judgment, elected by a constituency which had imposed no conditions and laid down no rule for the guidance of his conduct, other than that broad principle which all the representatives of a free people should strive to obtain, the advancement of the interests of his constituents and of the country generally. He would acknowledge that the explanation which had been given was entirely to his satisfaction, and he would come frankly forward and support the administration of the Governor General as long as the conduct of the Executive correspond with the professions they had heard. But he would desire to see the administration supported by a frank and honest vote, founded upon conviction and in honesty, and not proceed by cabal and faction. He (Capt. S.) felt a serious responsibility resting upon him towards his constituents; they had confidence in him, and he in them; they were composed of plain honest men, the backwoodsmen of the country; they judge accurately of the motives of men, and are not to be deceived by those who are more conversant in the windings and intrigues of politicians. He would use a just discretion, and whenever the honorable gentlemen opposite brought forward any measure in which he (Capt S.) could concur — any measure which was calculated to secure the rights and liberties of the people, he would most cheerfully co-operate with them, he would never consent to give his support to a factious opposition. He was a man not of words, but of deeds; formerly engaged in Her Majesty's service fighting the battles of his country, and now ready to join heart and hand in all measures which are calculated to promote the prosperity and good government of the country. When the distinguished individual who stands at the head of the government was seen in this house delivering his speech with painful effort, owing to his declining health, was there a man present who did not say within himself, I will throw myself in the breach and prevent any faction from disturbing his nightly sleep? (*Hear, hear.*)<sup>26</sup>

**Mr. Thorburn** said that although the discussion had been brought up rather prematurely, as the members of the Executive Government were now in their places, and as the question was not altogether new, they might be prepared, he thought, to give a plain answer, and that answer would do more than a hundred thousand bayonets would do at this moment, (*hear, hear.*) It would set at rest the anxiety which exists in the country; it would be the commencement of a new era in the history of Canada, which has become, as an honorable gentleman has observed, like a girdled tree, instead of being, as its natural advantages would seem to warrant, the most flourishing country upon the face of the earth. Look at the state of New Brunswick: a few years ago they were struggling as we have been for the same principle of responsible government, and they have now attained the accomplishment of their wishes. It was his intention not to impede the government, but to assist it in every respect in which he could possibly do so, and he hoped, therefore, the honorable gentlemen on the treasury benches would feel it their duty at once to declare that it is their full determination to be friends to the country. The news would be hailed with delight; it would fly with the rapidity of lightning from one end of the province to the other; there would be bonfires and rejoicings every where. (*Hear, hear.*) He, (Mr. T.) came to that house under no restraint as to his course of proceeding, and he was



determined to be under none except to his creator and his sovereign. He had earnestly desired his constituents to await patiently and allow Lord Sydenham's administration to proceed. They had true confidence in him whom they had chosen as their representative, and they were determined to extend that confidence to His Excellency the Governor General; why, then, will not His Excellency's advisers frankly avow to this house their determination to comply with the wishes of the country? <sup>27</sup>

**Mr. Boswell** said he hoped before the committee should rise, those honorable gentlemen belonging to His Excellency's Council would be fully prepared to answer this important question in a categorical manner, for they might depend upon it the eyes of the country are upon them. He had not risen with an intention of entering into the discussion of the question of responsible government. Upon that question his opinion had been long ago made public. He was fully convinced that the government of this colony could only be carried on if conducted upon those principles which would produce harmony and good will. He merely rose, however, at the present moment, to suggest to the committee, that if those gentlemen who occupy the treasury benches were not prepared to give an explicit reply to the question which had been put to them, at the present moment, the question might be deferred. <sup>28</sup>

**Mr. Baldwin** said as it seemed to be considered that he had been too easily satisfied with the declaration of the Hon. Gentleman, he wished to be clearly understood, that it was because he believed the principle of responsible government was to be duly carried out, and therefore it was that he had no reason to assume that the views of the Hon. Member for Russell (Mr. Draper) were different from the recognized principles. He would further observe that he deemed it altogether absurd to suppose that any one within the walls of that house would maintain for a moment that the people of the colony were to be treated with less regard than the people of our sister province Nova-Scotia, to whom the principle for which they were contending had been cheerfully conceded. <sup>29</sup>

**Mr. Draper** said that the question having been put to him, as to what course the advisers of His Excellency would take in the event of the majority of the House of Assembly opposing those measures which might be proposed by the government; he desired no mystification, the Hon. Gentleman who had used the term had found mystification to exist only in his own imagination, after expressing what his views were of the character and degree of responsibility resting upon the different branches of the government, he had stated that there was an absolute necessity for the preservation of harmony between the government and the people; and he had pointed out several causes, on the occurrence of which, he would not resign, but appeal to the country, and ascertain whether he would not be sustained by the people — (hear, hear.) — The responsibility in such cases, as he had before stated, would rest with the governor himself. If he ((should)) find that he cannot act with his council, he may call upon them to resign. (Hear, hear, hear.) <sup>30</sup>

((**Mr. Hincks** :)) It matters little who are responsible here, if we are constantly to have our laws which we have passed at great trouble and expense set at nought, and sent back to us null and void. <sup>31</sup>

**Mr. Boswell** desired to be informed, if he had rightly understood the Honourable gentleman to mean, that he would be contented to remain a Minister of the Government as long as the Governor desired him to do so whether a majority of the House of Assembly were with him or not. <sup>32</sup>

**Mr. Draper** replied, that he had said, so long as harmony existed between the Representatives of the people and the Government — but could it be considered that harmony existed as long as there was continual opposition maintained from different sides of the House? The distinction which he wished to be understood as having drawn was, that the responsibility rests entirely with the Head of the Government. <sup>33</sup>

**Mr. Boswell** — The Honourable gentleman has said, that he would not resign, unless required to do so by the Head of the Government. He has not said that he entertained the slightest respect for the opinion of the Representatives of the people. He desires harmony, but he wishes the whole responsibility to be thrown upon the shoulders of His Excellency. He (Mr. Boswell) could put no other interpretation upon his language. <sup>34</sup>

**Mr. Hincks** said, it was very much to be regretted, that this important subject should have been so much mystified ; at the same time, he thought there should be great allowance made for the Hon. and learned gentleman. He, no doubt, felt himself in a very awkward situation. He had come down to the House, and avowed principles, upon which, a few years ago, he said he would make "war to the knife."<sup>35</sup>

**Mr. Draper** said, that what the Hon. gentleman had stated was unfounded in fact. The Hon. gentleman was here called to order ....<sup>36</sup>

**Mr. Hincks** proceeded. He was extremely happy, he said, to be corrected, if he had fallen into error.<sup>37</sup>

**Mr. Draper** again requested permission to explain, which having been granted, he proceeded to observe, that he was quite unwilling to remain under an unjust imputation which might with a few words be entirely removed, however painful it might be to enter into an explanation which might wound the feelings of those for whom he entertained a high respect. He recollected in 1836 having made a speech at an election meeting after dinner — (hear, hear) — in the course of which he said that there were those filling prominent stations in the community who advocated principles of a dangerous tendency, and with a full knowledge that they were dangerous and injurious to the interests of the Colony. He had also said, that there were then in the ranks of the Reformers many individuals for whom he had a personal friendship ; but that there were others against whom he would make war to the knife : and in the following year he had amply redeemed his pledge. — (Hear, hear.) There was one other remark which he would make ; there were those in the House who could do him the justice to say, that long before this discussion was contemplated, he had drawn a distinction between those who were discontented, and those who were disaffected. The complaints of the former might be remedied ; but as for the others, he cared not how soon they sought any country more congenial to their feelings.<sup>38</sup>

**Mr. Hincks** said he was happy to hear the explanation of the Hon. gentleman. It appeared that it was not the principle advocated by the majority of the House of Assembly, but the opinions of certain individuals against which he would make war to the knife. The principles which were then advocated by a majority of the House of Assembly, were the same as those which he at present advocated, the principles of responsible Government — principles which would be found laid down in Lord Durham's Report. Every Hon. Member of that House must be fully aware, that the great mass of the country had been convinced, that the Head of the Government had intended this to be the principle upon which the Government should be conducted. The Despatch of Lord John Russell appeared to him to be inconsistent with itself. The first part from which the learned Attorney General quoted was altogether at variance with the latter, which he (Mr. H.) was well assured was far more satisfactory. It recommends "non-interference on the part of the Crown in our internal affairs, except where the interest of the Empire and the honour of the Crown are deeply concerned". He (Mr. H.) agreed with his Hon. friend from Haldimand (Mr. Merritt), that it is time this House and the country should know distinctly whether this system of interference in our internal government is to be persevered in by the Home Government. It matters little who are responsible here if we are constantly to have our laws which we have passed at great trouble and expense, set at nought and sent back to us annulled and void. — (Hear, hear.) The Hon. and learned gentleman, in order to point out the degree of responsibility under which he considered the Government as standing, had quoted from documents which had been always held and acknowledged by these gentlemen, with whom he acts, as going entirely against the principle for which we are contending. What the country wishes to know is, whether the Provincial Government is to be conducted according to the principles of the British Constitution. These are the principles to which a majority of the people of this province are attached.<sup>39</sup>

**Mr. Boswell** said, the Hon. and learned gentleman must excuse him for again pressing the question, because it was of very great importance to him that the question should be distinctly answered, as upon that answer would depend his future course of conduct within that House, and he would put it in such a shape as that it might be replied to by a single affirmative or negative. Does the Hon. gentleman mean to say that if the Government cannot command a majority of this House, so that its measure may be carried on harmoniously, if they do not find by whole proceedings of the House, that they have the confidence of a majority of its Members, that then a dissolution of the House shall follow, or that they will resign ?<sup>40</sup>

"Yes, yes," from **Mr. Draper**.<sup>41</sup>

Then I ((**Mr. Boswell**)) am satisfied. And he ((**Mr. Boswell**)) could only say, that this being the case, it was an unfortunate circumstance that the Hon. gentlemen could not have stated it explicitly to the House at present, and have prevented the necessity for so long a discussion.<sup>42</sup>

(38)

and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. *Morris* reported that the committee had made some progress, and had directed him to move for leave to sit again.

Progress reported.

*Ordered* — That the said committee have leave to sit again to-morrow, in the afternoon sitting.

Committee to sit again tomorrow.

Mr. Speaker communicated to the House the following letter.

*Kingston, 18th June, 1841.*

SIR,

Letter from  
A. Manahan, Esq.  
vacating his seat.

Having accepted the appointment to the office of Collector of Customs for the port of *Toronto*, by which I vacate my seat in the Legislative Assembly over which you preside — I take leave to give you this immediate intimation of the fact, that the town of *Kingston*, which I had the honor to represent, may be speedily represented in my place.

I have the honor to be Sir, your most obedient humble servant,

Signed, A. MANAHAN.

The Honorable the Speaker,  
of the Legislative Assembly.

New Writ of election  
to issue for Kingston.

On motion of the Honorable Mr. *Daly*, seconded by the Honorable Mr. *Dunn*,

*Ordered* — That Mr. Speaker do issue his warrant to the Clerk of the Crown in Chancery, to make out a new writ for the electing a member to serve in the present Provincial Parliament for the Town of *Kingston*, in the room of *Anthony Manahan*, Esquire, resigned.

Bill to provide  
For Notaries  
in Gaspé, read

A Bill to amend a certain Ordinance passed in the third year of Her Majesty's Reign, intituled "An ordinance to provide permanently for the want of Notaries in the inferior district of *Gaspé*, and to remove doubts therein mentioned" was according to order, read a second time,

Bill referred to  
Committee.

*Resolved* — That the said Bill be referred to a Committee of five members, to report thereon with all convenient speed; with power to send for persons, papers, and records.

*Ordered* — That Mr. *Hamilton*, Mr. *Black*, Mr. *Christie*, Mr. *Morin*, and the Honorable Mr. *Viger*, do compose the said committee.

Then on motion of Mr. *Aylwin* seconded by Mr. *Tuschereau*,

House adjourns.

The House, adjourned, until to-morrow, at eleven o'clock A. M.

#### Appendix, 18 June 1841.

((Withdrawn Motion re : Pre-Union Contingencies.))

Mr. *Thorburn* directed the attention of the house to the contingencies of the late session of the Province, but upon suggestion withdrew his motion.<sup>43</sup>

Footnotes — 18 June 1841.

1. BRITISH COLONIST, 23 June 1841.
2. IBID.
3. IBID.
4. IBID.
5. IBID.
6. LE CANADIEN, 23 June 1841.



7. Reports of the ensuing debate are found in: MONTREAL GAZETTE, 21, 22, 24, June 1841, the first two dates containing the debates as reported for the MONTREAL GAZETTE, that of June 24 containing the account transcribed from the MIRROR OF PARLIAMENT. Other reports are in: WESTERN HERALD, 7 July 1841, citing from MIRROR OF PARLIAMENT but omitting some speeches found in the MONTREAL GAZETTE; BRITISH COLONIST, 23 June 1841; ST. CATHARINES JOURNAL, 1 July 1841; IBID., 24 June 1841, a partial account of the debates as copied from the MIRROR OF PARLIAMENT; KINGSTON CHRONICLE, 19, 23 June, 1841, copied from MIRROR OF PARLIAMENT; LE CANADIEN, 25 June 1841, translated from MIRROR OF PARLIAMENT; EXAMINER, 23 June, 1841, copied from MIRROR OF PARLIAMENT. Commentaries on this debate are found in: MONTREAL GAZETTE, 24 June 1841; LE CANADIEN, 23 June 1841.

8. MONTREAL GAZETTE, 22 June 1841.
9. ST. CATHARINES JOURNAL, 1 July 1841.
10. MONTREAL GAZETTE, 22 June 1841.
11. BRITISH COLONIST, 23 June 1841.
12. MONTREAL GAZETTE, 22 June 1841.
13. IBID.
14. IBID.
15. IBID.
16. BRITISH COLONIST, 23 June 1841. The reportorial commentary on this speech has been reproduced because without it most of the directly-quoted words lose most of their meaning.
17. MONTREAL GAZETTE, 22 June 1841.
18. MIRROR OF PARLIAMENT, cited by MONTREAL GAZETTE, 24 June 1841.
19. MIRROR OF PARLIAMENT, cited by WESTERN HERALD, 7 July 1841.
20. MIRROR OF PARLIAMENT, cited by MONTREAL GAZETTE, 24 June 1841.
21. IBID.
22. ST. CATHARINES JOURNAL, 1 July 1841.
23. IBID.
24. IBID.
25. MIRROR OF PARLIAMENT, cited by MONTREAL GAZETTE, 24 June 1841.
26. MIRROR OF PARLIAMENT, cited by WESTERN HERALD, 7 July 1841.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. BRITISH COLONIST, 23 June 1841.
32. MIRROR OF PARLIAMENT, cited by MONTREAL GAZETTE, 24 June 1841.
33. IBID.
34. IBID.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.

Saturday, 19 June 1841.

11 o'clock, A.M.

Recognizance entered  
into for Hastings  
contested election.

And for Huron  
contested election.

Petition for the  
condemnation of  
a certain road  
in Elizabethtown.

Petition that  
inhabitants of  
Rawdon, Kilkenny,  
and Kildare, may  
have greater liberty  
in the elective fran-  
chise, and may not be  
included in certain  
municipal districts.

Petition of  
E. O. Tyler  
for naturalization.

Petition of Donald  
Calder, that a certain  
road may be granted  
to him as compensa-

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Mr. Speaker acquainted the House that *Charles Willard* and *John R. Forsyth* had entered into the usual recognizance required by law, on the subject matter of the contested election for the county of *Hastings*.

Mr. Speaker also acquainted the House that *James Simpson* and *Joseph Bruce*, had entered into the usual recognizance required by law on the subject matter of the contested election for the county of *Huron*.

A Petition of divers inhabitants of *Elizabethtown* was presented to the House by Mr. *Morris*, and the same was received and read setting forth : that the allowance for road between lots No. *thirty* and *thirty-one*, in the *eighth* concession of *Elizabethtown* passes through a large swamp and over a high ledge of rocks, and has been legally adjudged unfit for the purposes of a road. That certain individuals are endeavouring to open the said allowance and to expend upon it part of the statute labour, to the great annoyance of petitioners and inconvenience of travellers, as all the statute labour is too little to render passable the commonly travelled roads — that it would be to the advantage of the community if the said road were sold and the avails expended on the travelled roads — and praying the House to confirm the condemnation of said road — or do such things in the premises as may, in its wisdom, appear best,

*Ordered* — That the said petition do lie upon the table.

A Petition of the freeholders of the townships of *Rawdon*, *Kilkenny*, and *Kildare*, was presented to the House by Mr. *Holmes*, and the same was received and read, setting forth — That the county of *Leinster* formerly sent four members to parliament, but under the late act uniting the Provinces of *Upper* and *Lower Canada*, said county is restricted to one representative — That in consequence, petitioners, who are far less numerous than the inhabitants of the Seignories lying within the said county, who are of French origin, are deprived of the power of choosing their representative — and praying that the said townships of *Rawdon*, *Kilkenny*, and *Kildare*, together with the unsurveyed townships in the rear of them, may be allowed to send a representative to parliament, and that they may not be erected into municipal districts with the inhabitants of the Seignories,

*Ordered* — That the said petition do lie upon the table.

A petition of *Emery Osgood Tyler* was presented to the House by Mr. *Roblin*, and the same was received and read, setting forth — That petitioner is a native of the United States — That he emigrated into this Province prior to the Rebellion and took the oath of allegiance in 1836 — That he has purchased land in the Province, and prays to be enabled to enjoy the rights and privileges of a British subject.

*Ordered* — That the said petition do lie upon the table.

A Petition of *Donald Calder* and divers others, of the Township of *Thorah*, in the county of *Simcoe*, was presented to the House by Captain *Steele*, and the same was received and read, setting forth : — That in

tion for a road  
through his land.

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1839 a certain road was laid out, leading from *Talbot* river to what is commonly termed the *Brock* road, near to mills belonging to said *Calder*, in the township of *Thorah*. That said *Calder*, was persuaded by the Surveyor of Roads, *Arad Smalley*, Esquire, to allow said road to pass through his land, as a cheaper and more eligible site for a bridge could be found above the mills than on the concession line — informing him that he would be entitled to the allowance for road, thus departed from. That petitioner, living at a distance of about seventy miles, did not apply for the same until after the expiration of six months, when he was told that he had been too late in making his application; and praying that an act may be passed authorising the conveying to him said parcel of road in lieu of that given by him as aforesaid,

*Ordered* — That the said Petition do lie upon the table.

Order of the day for  
balloting of committee  
to nominate standing  
committees postponed.  
Rules and Regulations  
reported.

The order of the day for the House to proceed to the ballot of members for a committee to nominate the standing committees of this House being read —

Mr. Attorney General *Ogden* moved, seconded by Mr. Attorney General *Draper*, that the said order of the day be postponed until *Wednesday* the twenty-third instant.<sup>1</sup>

Mr. *Aylwin* opposed the motion. He insinuated that all the members of the house had not the advantages of a Government salary to support them at a distance from home, *in the discharge of that duty which they had voluntarily undertaken*. Time was therefore of consequence to them.<sup>2</sup>

Mr. *Quesnel* supported the motion as a reasonable one.<sup>3</sup>

Mr. *Black* was of opinion that common courtesy demanded an acquiescence in it; besides it could not be objected against it that it involved any principle.<sup>4</sup>

Mr. *Moffatt* did not rise to express his dissent, but it was rather extraordinary that when he gave notice of his motion for this day, it has elicited nothing from ministers! but now they come forward and move the postponement of it.<sup>5</sup>

Mr. *Simpson* said that as they were now legislating under new auspices they should not permit themselves to be shackled by any allusion to what has been.<sup>6</sup>

Mr. *Neilson* had no objection that time should be granted, but he (sic) understood very well the plea that was urged — your responsible government! — he knew it all very well.<sup>7</sup>

Mr. Attorney General *Draper* explained on behalf of his colleague. The power of nominating the committees was not for a moment assumed by ministers; all they required, as it was a measure of great importance was, time to deliberate upon it, and ascertain how far it assimilated to British practice.<sup>8</sup>

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The question having been put upon the said motion, a division ensued and it was carried in the affirmative and *Ordered* accordingly.

Rules and  
Regulations reported.

Mr. *Durand* from the committee of the whole House on the rules and regulations for the Government of this House reported, according to order, the said rules and regulations; which rules and regulations were again read at the Clerk's table and are as followeth:

## RULES AND REGULATIONS

*For the Government of the Legislative Assembly.*

### MEETING AND ADJOURNMENTS OF THE HOUSE.

1st. *Resolved* — That this House do meet at two o'clock in the afternoon: and if at two o'clock there is not a QUORUM, Mr. Speaker may take the Chair and adjourn.



2d. That when the House adjourns, the Members shall keep their seats until the Speaker leave the chair.

3rd. That whenever the Speaker is obliged to adjourn the House for want of a QUORUM, the hour at which such adjournment is made, and the names of the Members then present, shall be inserted in the Journals.

#### QUORUM.

4th. That upon the appearance of a QUORUM the Speaker shall take the Chair and the members be called to order.

5th. That the Speaker shall always take the Chair when Black Rod is at the door, whatever the number of Members then present may be.

#### MINUTES.

6. That immediately after the Speaker shall have taken the Chair, the Minutes of the preceding day shall be read by the Clerk ; to the end that any mistake therein may be corrected by the House.

#### SPEAKER.

7. That the Speaker shall preserve Order and Decorum, and shall decide Questions of Order, subject to an appeal to the House.

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8. That the Speaker shall not take part in any debate or vote in any case, unless the House shall be equally divided. — He may give his reasons for so voting. He shall stand uncovered when addressing the House.

9. That when the Speaker is called upon to explain a point of order or practice, he is to state the rule applicable to the case without argument or comment.

#### MEMBERS.

10. That every Member, previous to his speaking, shall rise from his seat, uncovered, and address himself to the Speaker.

11. That when two or more Members rise at once, the Speaker shall name the Member who is first to speak ; and the other or others may appeal to the House if dissatisfied with the Speaker's decision, by the Question, "*Which Member was first up ?*"

12. That every Member who shall be present when a question is put, shall vote thereon, unless the House shall excuse him, or unless he shall be personally interested in the question ; provided such interest be resolvable into a personal pecuniary profit, or such as is peculiar to the Member and not in common with the interest of the subject at large, in which case he shall not vote.

13. That when the Speaker is putting a question, no Member shall walk out of, or across the House ; nor when a Member is speaking shall any Member hold discourse to interrupt him, except to order, nor pass between him and the Chair.

14. That a Member called to order shall sit down unless permitted to explain ; and the House, if appealed to, shall decide on the case, but without debate ; if there be no appeal, the decision of the Chair shall be submitted to.

15. That no Member shall speak disrespectfully of the Queen or any of the Royal Family, or Person administering the Government of this Province ; nor shall he use unmannerly or indecent language against the proceedings of this House, or against particular Members ; nor shall he speak beside the question in debate.

16. That each Member may, of right, require the question or motion in discussion to be read for his information at any time of the debate, but not so as to interrupt a Member speaking.

17. That no Member shall speak more than once on the same question, without leave of the House, except in explanation of a material

part of his speech, which may have been misconceived; but then he is not to introduce new matter.

18. That no Member shall speak more than once, without leave of the House, upon a previous Question.

19. That any Member may, at any time, desire the House to be cleared of strangers; and the Speaker shall immediately give directions to the Sergeant at Arms to execute the order, without debate.

20. That it be recommended to every Member wishing to go out during the sittings to inform the Sergeant at Arms of the place where he may be found, if wanted.

21. That no Member, during the Session, shall absent himself for more than one sitting at a time, without an express leave of absence from the House.

22. That this House will not grant leave of absence to any Member, (unless that there are forty-three Members present in town,) but on the most urgent and accidental business, specially stated to this House.

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of House.

#### LEGISLATIVE COUNCIL.

23. That the master in Chancery attending the Legislative Council be received as their Messenger at the Clerk's Table, the Members sitting, where he shall deliver such message as he is charged with from the Legislative Council.

24. That all Messages, from this House to the Honorable the Legislative Council be sent by one Member of this House.

25. That when this House shall judge it necessary to request a conference with the Legislative Council, the reasons to be given by this House upon the subject of the conference, shall be prepared and agreed to by the House, before a Messenger shall be appointed to make the said request.

26. That Messages, from the Honorable the Legislative Council, shall be received into this House as soon as announced by the Sergeant at Arms.

27. That Legislative Councillors, desirous of hearing the debates, may have seats without the Bar, in a space to be set apart for that purpose; withdrawing when the House is cleared.

#### STRANGERS

28. That Strangers admitted into the House during its sittings, who make a noise or behave irregularly, shall be committed to the custody of the Sergeant at Arms, to await the judgment of the House.

#### JOURNALS, &c.

29. That copies of the Journals, translated into the French Language, be laid on the table daily, for the use of the Members; and also copies of Speeches from the Throne, Addresses, Messages, and Entries of other transactions and deliberations of the House, when asked for by any two Members.

30. That a copy of the Journals of this House be delivered to His Excellency the Governor, every morning of the day after the same has been read and approved of by the House, certified by the Clerk.

31. That the Clerk do immediately make an Index to the Journals of the House, referring to the several matters therein contained, and that at the end of each Session of Parliament, he do make a like Index to the Journals.

32. That until this House shall adopt the measure of having its proceedings printed daily, this House doth consent that the Legislative Council may cause the Journals of this House to be searched in like manner as this House may, according to Parliamentary usage, search the Journals of the Legislative Council.

## RULES OF THE HOUSE.

33. That the Rules of the House shall be observed in a Committee of the whole House, so far as they may be applicable, except the Rule limiting the number of times of speaking.

34. That, in all unprovided cases, resort shall be had to the Rules, Usages and Forms of Parliament, which shall be followed, until this House shall think fit to make a Rule applicable to such unprovided cases.

## DIVISION OF THE HOUSE.

35. That upon a division in the House, the names of those who vote for, and of those who vote against the question, shall be entered upon the Minutes, if two Members require it.

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of House.

## MOTIONS AND QUESTIONS.

36. That a motion to adjourn shall always be in order.

37. That a motion that the Chairman leave the Chair, shall always be in order, and shall take place of any other motion.

38. That no motion shall be debated or put, unless the same be in writing and seconded. When a motion is seconded, it shall be read in English and in French by the Speaker, if he is master of the two languages; if not, the Speaker shall read in either of the two languages most familiar to him; and the reading in the other language shall be at the table by the Clerk or his Deputy, before debate.

39. That after a motion is read by the Speaker, it shall be deemed to be in possession of the House; but may be withdrawn at any time before decision or amendment, with permission of the House.

40. That when a question is under debate, no motion shall be received unless to amend it, or commit it, or to postpone it to a certain day, or for the previous question, or for adjournment.

41. That the Previous Question, until it is decided, shall preclude all amendment and debate of the main question; and shall be in the following words: "*Shall the main Question be now put?*"

42. That a motion for commitment, until it is decided, shall preclude all amendment of the main question.

43. That all Questions, whether in Committee or in the House, shall be put in the order they are moved.

44. That no motion prefaced by any preamble, shall be admitted in this House.

45. That every motion when seconded, ought to be received and read by the Speaker, except in the cases provided for by the Rules of this House.

46. That it shall be the duty of the Speaker, whenever he shall conceive that a motion which he has received and read, may be contrary to the Rules or Privileges of this House, to apprize the House thereof immediately, before the question on such motion is put, and to cite the Rule which is applicable to the case.

## AID AND SUPPLY.

47. That if any motion be made in the House for any Public Aid, Subsidy Duty, or Charge upon the people, the consideration and debate thereof shall not presently be entered upon, but adjourned till such further day as the House shall think fit to appoint; and then it shall be referred to a Committee of the whole House, and their opinion to be reported before any Resolution or Vote of the House do pass thereupon.

48. That all Aids and Supplies granted to Her Majesty by the Legislature of Canada, are the sole gift of the Assembly of this Province, and all Bills for granting such Aids and Supplies ought to begin with the Assembly, as it is the undoubted right of the Assembly to direct,



limit, and appoint, in all such Bills, the ends, purposes, considerations, conditions, limitations and qualifications of such Grants, which are not alterable by the Legislative Council.

49. That in order to expedite the business of the Legislature, the House should not insist on the privilege claimed and exercised by them, of laying-aside Bills sent from the Legislative Council, because they impose pecuniary penalties; nor of laying aside amendments made by the Legislative Council, because they introduce into or alter pecuniary

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of the House.

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penalties in Bills sent to them by this House; provided that all such penalties thereby imposed, are only to punish or prevent crimes and offences, and do not tend to lay a burthen on the subject, either as Aid and Supply to Her Majesty, or for any general or special purposes, by Rates, Tolls, Assessments or otherwise.

#### PUBLIC BILLS.

50. That every Public Bill shall be introduced by a motion for leave, specifying the title of the Bill, or by a motion to appoint a Committee to prepare and bring it in, or by an Order of the House on the Report of a Committee.

51. That no Bill shall be committed or amended until it shall have been twice read.

52. That all amendments shall be reported to the House by the Chairman, standing in his place. After report, the Bill shall be subjected to debate and amendment in the House, before the question to engross it, shall be put.

53. That every Bill shall receive three several readings, each on different days, previous to its being passed, except in urgent and extraordinary occasions, when it may be read twice or thrice in one day.

54. That when a Bill is read in the House, the Clerk shall certify the readings and the time on the back.

55. That Bills committed to a Committee of the whole House, shall first be read throughout by the Clerk, and then read by the Chairman and debated by clauses, leaving the Preamble and Title to be last considered.

56. That when a Bill passes the House, the Clerk shall certify the same, with the date thereof, at the foot of the Bill.

57. That a similar mode of proceeding shall be observed with Bills which have originated in and passed the Legislative Council, as with Bills originating in this House.

58. That it shall be the duty of the Law-Clerk of this House, after the present Session, to revise all Public Bills after the first reading, and that after such revision, he do mark his initials and certify on the endorsement of the said Bills, in red ink, that the same are correct; and that the said Law-Clerk be held responsible for the due performance of such duty, in obedience to this Resolution; and in order that he may be regularly apprized of the Bills that shall have been read for the first time, it shall be the duty of the senior Clerk of the Committees of this House, to provide him daily during the Session, with a List of the Bills that shall have been read for the first time, and of the day on which they shall be fixed for the second reading; and that in every succeeding stage of such Bills, the said Law-Clerk shall be also held responsible for the correctness of the said Bills, should amendments be made thereto, and he shall make a Breviat of every such Bill previous to the second reading thereof.

59. That all Bills, Public and Private, and Breviats and Abridgements thereof, be printed before the second reading, for the use of the Members of the Legislature, unless the House in certain cases dispense with such printing, with the exception nevertheless of certain Bills to

continue the Acts or Bills of Reimbursements or other short Bills, not introducing any important innovation, with the printing whereof the Speaker may dispense.

## PRIVATE BILLS.

60. That Bills of a private nature shall be introduced by a Petition to be presented by a Member and seconded.

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61. That no Bill be ordered or permitted to be brought in, or any Petition for any work proposed to be carried on by tolls or duties to be levied, by subjecting of particular places to the same, until such Petition has been referred to a Committee, and they have examined the matter thereof and reported the same to the House.

62. That whenever any Petition or Bill presented to the House, shall have been referred to a Committee to examine the matter thereof and report the same as it shall appear to them to the House, the House will not admit any Petitioners to be heard by themselves or Counsel, against such Petition or Bill, until the matter thereof shall have been first reported to the House.

63. That the Chairman of the Committee for any private Bill do not sit thereupon, without giving a week's notice thereof, set up in the lobby.

64. That all persons whose interest or property may be affected by any private Bill, shall appear in person before the Committee to give their consent, and if they cannot personally appear, they may send their consent in writing, which shall be proved before the Committee by one or more witnesses.

65. That when any Bill shall be brought into the House for confirming Letters Patent, there shall be a true copy of such Letters Patent annexed to the Bill.

66. That before any Petition is presented to this House, for leave to bring in a private Bill, whether for the erection of a Bridge or Bridges, for the regulation of a Common, for the making of any Turnpike Road, or for granting to any individual or individuals any exclusive rights or privileges whatsoever, or for the alteration or renewing of any Act of the Provincial Parliament, for the like purpose; notice of such application shall be given in one of the newspapers of the District, published in the English, and one in the French language, if any is published therein; and also by a notice affixed on the Church-doors of the Parishes or Townships that such application may effect, or in the most public place where there is no Church, during two months at least before such Petition is presented.

67. That hereafter this House will not receive any Petitions for private Bills, after the first fifteen days of each session.

**Mr. Merritt** moved that the said rule be expunged inasmuch as it imposes an unnecessary restriction, and may deter individuals from applying for an incorporation for the improvement of the country by canals, rail roads, &c., and withhold the introduction and concentration of capital for other public uses. The House divided and the amendment was lost, 24 to 34.\*

(45)

68. That this House will not receive any private Bills except in the first twenty-four days of each session.

69. That this House will not receive any Report of a Special Committee upon any such Private Bills, except within the first forty days of each Session.

70. That before any Petition praying leave to bring in a private Bill for the erection of a Toll Bridge, is presented to this House, the person or persons purposing to Petition for such Bill, shall, upon giving the notice prescribed by the sixty-sixth Rule, also, at same time, and in the same manner, give a Notice, stating the rates which they intend to ask, the extent of the privilege, the height of the Arches, the interval between

the abutments or piers for the passage of rafts and vessels, and mentioning whether they purpose to erect a Draw-Bridge or not, and the dimensions of such Draw-Bridge.

71. That all the expenses and costs attending on private Bills, giving any exclusive privilege or advantage, and the relative proceedings in this House thereon, ought not to fall upon the Public, and that it is just and reasonable that part of such expenses and costs should be supported by those who apply for the said Bills; and that a sum not less than £20 be deposited in the hands of the Clerk of this House by the Petitioners before the Petition be received.

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of House.

72. That the Clerk of this House be held, immediately after the issuing of the Proclamation, convoking the Provincial Parliament for the dispatch of business, to announce in the Quebec Gazette and other Newspapers published in this Province, until the opening of Parliament, the day on which the time limited for receiving Petitions for Private Bills will expire according to the Rules of this House, and that the said Clerk be also held to announce, by notice set up in the Special Committee Rooms, and in the Lobby of this House, by the first day of every Session, the days on which, according to the Rules of this House, the time for receiving Petitions for private Bills, Reports on those Petitions, and Reports on the Bills upon those Petitions, are to expire.

#### PETITIONS, &C.

73. That the Petitions, Memorials and other papers addressed to the House, shall be presented by a Member in his place, who shall be answerable to this House that they do not contain improper or impertinent matter.

74. That whenever a Petition tending to incorporate any number of persons to carry on any commerce or trade, is presented to this House, such of the Members of this House who are to become incorporated in consequence of such Petition to carry on such commerce or trade, are personally interested in all questions that may arise upon such Petition, and in any after proceedings that may take place upon it.

See also BILLS PRIVATE, Rule 63, 66, 67, 68, 69.

#### PAPERS LAID BEFORE THE HOUSE.

##### *Form of Reading.*

75. That papers laid before this House, or referred to a Committee for their consideration, are of right to be read once by the Clerk or Chairman at the table, but when once read to the House or Committee, they are then, like every other Paper that belongs to the House, to be moved for to be read, and if objected to, to be decided by taking the sense of the House or Committee,

#### COMMITTEES.

76. That in forming a Committee of the whole House, the Speaker shall leave the Chair, and shall before leaving the same appoint a Chairman to preside, who shall have the same authority in the Chair of the Committee as the Speaker in the Chair of the House, and in other Committees the Chairman shall have the same authority.

77. That the mode of appointing a Special Committee, shall be first to determine the number it shall consist of, then each Member naming one, which shall be written down by the Clerk; those who have most voices shall be taken successively, until that the number is completed; and if any difficulty should arise by two or more having on equal number of voices, the sense of the House shall be taken as to the preference; but it shall be always understood, that no Member who declares himself or divides against the body or substance of the Bill, motion or matter to be committed, upon any of the Readings thereof, can be nominated to be of a Committee upon such Bill, motion or matter.



78. That every Member who shall introduce a Bill, Petition, or Motion upon any object which may be referred to a Committee, shall be one of the Committee without being named by the House.

79. That of the number of Members appointed to compose a Committee, such number thereof as shall be equal to a majority of the whole number chosen, shall be a *Quorum* competent to proceed to business in

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of House.

(47)

all cases, where the number to form such *Quorum* shall not be specially fixed in the motion of appointment.

#### MESSENGERS.

80. That the Speaker of this House shall appoint all Messengers ; but it shall be always understood, that the Member who moves for the Message shall of right be one of the number of Messengers, and that any Member who shall declare himself, or divides against the said Message, or against the subject thereof, cannot be appointed to be one of the Messengers.

#### ORDERS OF THE DAY.

81. That the Order of the Day shall have preference to any motion before the House.

82. That it be a standing Rule of this House, that when any order or Orders of the Day shall be lost by a Committee of the whole House breaking up for want of a *Quorum*, or by the House adjourning for want of a *Quorum*, the Order or Orders so lost, shall be taken up in succession, as the first business to be proceeded on, at the next meeting of the House.

#### PRIVILEGES.

83. That whenever any matter of privilege arises, it shall be immediately taken into consideration.

#### LIBRARY.

84. That a Catalogue of the titles, editions, classes, cost and charges of the Books, be kept by the Clerk of the House, in whom the custody and responsibility thereof shall be vested.

85. That the Library be deposited in the Committee Room, or Clerk's Office, or such other part of this House as may hereafter appear to Mr. Speaker to be most convenient.

86. That no person whatsoever shall be entitled to resort to the Books except the Governor, Lieutenant Governor, or Person administering the Government, the Members of the Executive and Legislative Councils and House of Assembly, and the Officers of the two Houses for the time being ; that access may be had to the books at all hours during the sitting of the Legislature, and on every Tuesday of each week, from the hour of ten in the morning to three in the afternoon, during the prorogations ; but on no pretence whatever ought any person, the Governor, Lieutenant Governor, or Person administering the Government excepted, to be permitted to carry any of them out of the building.

87. That the Clerk shall report regularly to the House, through Mr. Speaker, at the opening of each Session, the actual state of the Library.

88. That the Clerk of this House be authorized to import annually the continuation of the Periodical Works in the Library of this House.

#### OFFICE HOURS.

89. That the hours of attendance of the respective Officers of this House and the Extra Clerks employed during the Session, be from nine in the forenoon until noon, and from one in the afternoon until eight o'clock, and from thence until the business of the day be completed.

## VACANCIES IN THE OFFICES.

90. That before filling any vacancy in the Offices of this House, enquiry be made touching the necessity of such Office, the amount of the salary and emoluments thereunto annexed, and the fixing such salary *de novo* at every change.

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91. That the Clerk of this House do lay before this House in the course of each Session, a general table of the Imports and Exports of this Province, taken from the Returns which may be laid before this House by order of His Excellency the Governor in Chief; that the said Clerk do also lay before this House next Session a similar table for the seven last years, and that he do cause the said table to be printed, in order that the same be added to the Appendix to the Journals of next year, and that in each succeeding year he do cause to be printed a similar table, to be in like manner inserted in the Appendix to the Journals of those periods.

Question of  
concurrence.

*Ordered* — That the question of Concurrence, be now separately put upon each of the said Rules and Regulations: —

And the first to the seventieth inclusive of the said Rules and Regulations being again severally read, and the question of concurrence being separately put upon each, they were agreed to unanimously.

Motion for expunging  
71st. Rule.

The seventy-first of the said Rules and Regulations, being again read, Mr. *Merritt* moved, seconded by Mr. *Thompson*, that the said Rule be expunged, in as much as it imposes an unnecessary restriction, and may deter individuals from applying for an incorporation for the improvement of the Country, by Canals, RailRoads, &c. and with-hold the introduction and concentration of capital for other public uses.

The question having been put upon the said motion, the House divided thereon, and the names being called for, they were taken down, as followeth; —

## YEAS

<i>Armstrong,</i>	<i>Cook,</i>	<i>Holmes,</i>	<i>Smith, (Fron.)</i>
<i>Boswell,</i>	<i>Crane,</i>	<i>McLean,</i>	<i>Smith, (Went.)</i>
<i>Boutillier,</i>	<i>Duggan,</i>	<i>Merritt,</i>	<i>Steele,</i>
<i>Buchanan,</i>	<i>Durand,</i>	<i>Morris,</i>	<i>Thompson,</i>
<i>Campbell,</i>	<i>Hale,</i>	<i>Powell,</i>	<i>Thorburn,</i>
<i>Chesley,</i>	<i>Hincks,</i>	<i>Roblin,</i>	<i>Williams,—24.</i>

## NOES

<i>Aylwin,</i>	<i>Desrivieres,</i>	<i>Moffatt, Hon. G. Raymond,</i>
<i>Barthe,</i>	<i>Dunn, Hon. J.H.</i>	<i>Moore,</i>
<i>Barthelot,</i>	<i>Dunscob,</i>	<i>Morin,</i>
<i>Black,</i>	<i>Foster,</i>	<i>Neilson,</i>
<i>Cartwright,</i>	<i>Johnston,</i>	<i>Noel,</i>
<i>Christie,</i>	<i>Kimber,</i>	<i>Parent,</i>
<i>Day, Hon. C.D.</i>	<i>McCulloch,</i>	<i>Price,</i>
<i>Delisle,</i>	<i>McDonald (Pres.)</i>	<i>Quesnel,</i>
<i>De Salaberry,</i>	<i>McDonald (Glen.)</i>	<i>Yule—34.</i>

So it passed in the negative.

71st. Rule adopted.

The question being then put on the said seventy first Rule, it was agreed by the House.

The residue of the said Rules and Regulations being again severally read and the question of concurrence being separately put upon each, they were agreed to unanimously, and —

*Resolved* — That this House doth concur with the Committee in the said Rules and Regulations.

Rules and regulations  
concurred in, and to  
be communicated  
to Leg. Coun.

On motion of Mr. *Neilson*, seconded by Mr. *Taschereau*,

*Resolved* — That a Copy of the said Rules and Regulations be communicated by Message to the Legislative Council.

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*Ordered* — That Mr. Neilson do carry the said Message to the Legislative Council.

Rules to be printed.

*Ordered* — That three hundred copies in English, and two hundred copies in French, of the said Rules and Regulations, be printed for the use of the Members of this House.

Order of day on Judges independence bill, postponed.

The Order of the day, for the second reading of the Bill for better securing the independence and uprightness of the Judges, being read,

*Ordered* — That the said Order of the day be postponed until Monday next.

Gwillimbury Road and Bridge Bill to be read second time on Friday.

*Ordered* — That the Bill to amend an Act of that part of the Province formerly called *Upper Canada*, intituled "An Act to provide for the making and keeping in repair the *West Gwillimbury Road and Bridge*, and to authorize the erection of a Toll Gate thereon," be read a second time on Friday next.

Petition of J. A. Tailhades praying to be admitted as an advocate.

A Petition of *Jacques Alexander Tailhades*, Gentleman, was presented to the House by the Honorable Mr. *Moffatt*, and the same was received and read; setting forth: — That Petitioner, a gentleman, and an advocate of *France*, has domiciled in this Province, and resided in the City of *Montreal* for several years — That he has followed a course of clerkship nearly four years — and solicits that in consideration of his having followed a regular course of study in *France*, and having been already received as an advocate by the University, he may be permitted to present himself for examination at the expiration of the fourth year of his clerkship, as those who have passed a regular course of study.

*Ordered* — That the said Petition do lie upon the table.

*Ordered* — That when this House doth adjourn, it will adjourn until three o'clock P. M. this day.

Then, on motion of Mr. *Neilson*, seconded by Mr. *Cameron*,  
The House adjourned.

3 o'clock, P.M.

The order of the day for the House in Committee on the Speech of His Excellency, the Governor General, to both Houses of the Provincial Legislature being read,

The House accordingly resolved itself into the said Committee.

Mr. *Morris* took the chair of the Committee.<sup>10</sup>

Committee of whole on speech of His Exy. the Gov. General, at opening of Session.

Mr. *Cameron* ... moved the first Resolution....<sup>11</sup>

Mr. *Neilson* rose and stated that he had an amendment to propose. He believed the course he intended to pursue was quite Parliamentary, and that it was usual, after discussing the Speech, to go into the general state of the country and the policy of the Government. He, therefore, moved that all after the word "Resolved," be struck out, and that there be substituted, "That this House do now take into consideration the draft of the following Address," &c. He then read the draft....<sup>12</sup>

We, Her Majesty's dutiful and loyal subjects, the Legislative Assembly of the Province of Canada, most humbly thank your Excellency for the Speech delivered from the Throne at the opening of the present Session.

We receive with respect your Excellency's declaration that you have assembled us at the earliest period which the circumstances of the Province and the duties imposed upon you by the Imperial Act for the Union of the Canadas, have permitted.

It is with deep concern that we have learnt from your Excellency, that a subject of her Majesty, an inhabitant of this Province, has been forcibly detained in the neighbouring States, & we acknowledge with gratitude the assurance which your Excellency has been authorized to make, that it is her Majesty's fixed determination to afford her powerful protection to her subjects in this Province.



We feel grateful for the arrangements which your Excellency communicates, by which her Majesty's Government has reduced the rates of Postage between this Colony and the United Kingdom, and that a more speedy and regular conveyance of letters within the Province has been effected under your Excellency's direction. And we shall hail with satisfaction any improvements in the Department of the Post Office which will put us in a condition, in that respect, equal to that which exists in the mother country.

We beg leave to assure your Excellency that any message from your Excellency, on matters which may be of deep importance to the future welfare of the province, will receive our most serious attention.

The improvement of the Navigation and establishment of internal communications are objects essential to the general prosperity; and we feel grateful for the information which your Excellency has communicated, that her Majesty's Government is disposed to assist in promoting them. When your Excellency shall be pleased to lay before us the despatches which convey this assurance, the whole of these subjects will receive our most respectful consideration.

We will also give our earnest consideration to the subject of Emigration, and the disposal and settlement of the Public Lands, as connected with the outlay of capital upon public works, — and we derive great satisfaction from the information communicated by your Excellency, that her Majesty's Government is disposed to assist emigrants in proceeding to those parts of the province, where their labour may be made available. Any judicious measure which may seem calculated to alleviate the sufferings of our fellow subjects in the United Kingdom, who leave their home with a view of bettering their condition in this Province, will be readily concurred in by us.

We particularly thank your Excellency for your expressions in favor of local self-government, & that the people should exercise a greater degree of power over their local affairs. When the measure may come under our consideration, we shall not fail to respect the prerogative of the Crown, while we endeavour to secure independent and impartial administration of Justice.

We concur entirely with your Excellency in the importance of affording every facility for a general education of the people. While we are ever ready to respect the rights of all to the equal enjoyment of the blessings of instruction, we trust that our labors, for the ends for which we have your Excellency's proffered co-operation, will eventually prove successful.

It is our particular duty to bestow the most serious attention on the public accounts, and the estimates for the public service to be submitted to us by your Excellency, and also on any financial measures which your excellency may lay before us affecting the revenue levied in this province, or which may in any way tend to impose burthens on our constituents.

Your Excellency may be assured that in the discharge of our duties to her Majesty and our constituents, it will be our constant endeavour that all our proceedings should be characterized by wisdom and prudence. In conformity to our obligations as subjects of the British Crown, and bound to fidelity by the most sacred ties, we have assembled in obedience to an Act of the Imperial Parliament and Her Majesty's writs, to advise and consent to such laws as may be deemed necessary for the peace welfare, and good government of Canada: although we cannot but regret that the most populous portion of the province, heretofore constituted under the Act of Parliament of 1791, as the Province of Lower Canada, has not been consulted on the Constitution of the Government which is now substituted for that which prevailed under the said act, and that there are features in the act now constituting the government of Canada, which are inconsistent with justice, and the common rights of British subjects.

We shall nevertheless, endeavour to discharge the duties which we are now called to perform, in the true spirit of British freemen, in the hope that justice may finally prevail, & restore that confidence and prosperity which your Excellency desires, and in which we, as well as our posterity, are so deeply interested.<sup>13</sup>

((Mr. Neilson)) hoped the House would postpone the discussion of any Address until he had an opportunity of getting the one printed which he had proposed.<sup>14</sup>

To a question from the **Attorney General, Ogden, Mr. Neilson** explained that when one series of resolutions were considered, the house would consider both series.<sup>15</sup>

Several Members opposed the delay, as Mr. N. ((Neilson)) and his friends had had abundant time to prepare. Among others, **Mr. Johnston**, the Member for Carleton, amused the House a good deal, by saying, that he saw very little difference in the two Addresses proposed; for his part, he could safely vote for *both* of them.<sup>16</sup>

**Mr. J.S. Macdonald** opposed the postponement of the debate: proposing that when the original resolutions were under consideration, the objections or amendments embodied in Mr. Neilson's series of resolutions might be brought forward each upon each.<sup>17</sup>

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and after some time spent therein,

Mr. Speaker resumed the Chair,

Progress.

And Mr. *Morris* reported that the Committee had made some progress, and had directed him to move for leave to sit again.*Ordered* — That the said Committee have leave to sit again on *Monday* next.Then, on motion of Mr. *Aylwin*, seconded by Mr. Attorney General *Ogden*,The House adjourned until *Monday* next.

## Appendix, 19 June 1841.

## ((Notice of proposed motions.))

**Mr. Christie** gave notice that he would, this day week, move, that the House go into Committee of the whole upon the Administration of Justice in the Inferior District of Gaspé.<sup>18</sup>

## ((Withdrawn Motion re : House Printing))

**Mr. Morin** moved, seconded by **Mr. Berthelot**, that 200 copies, in English and French, of the Address proposed by Mr. Neilson, be printed.<sup>19</sup>**Mr. Moffatt** stated, as the Address mentioned was not yet before the House, the motion was irregular.<sup>20</sup>The Speaker ((**Mr. Cuvillier**)) decided to the same effect....<sup>21</sup>The motion was withdrawn — **Mr. Neilson** stating that he would assume the "responsibility" of getting his draft printed. It was understood that the House would eventually pay for the printing.<sup>22</sup>

## Footnotes — 19 June 1841.

1. The division on this motion was also noted, without any report of the debate, in KINGSTON CHRONICLE, 30 June 1841; MONTREAL GAZETTE, 5 July 1841, citing KINGSTON CHRONICLE; and was briefly discussed in LE CANADIEN, 23 June 1841. The debate was reported in the BRITISH COLONIST, 23 June 1841.

2. BRITISH COLONIST, 23 June 1841.

3. IBID.

4. IBID.

5. IBID.

6. IBID.

7. IBID.

8. IBID.

9. KINGSTON CHRONICLE, 30 June 1841; MONTREAL GAZETTE, 5 July, cited KINGSTON CHRONICLE.

10. The debate which occurred at this time was reported in KINGSTON CHRONICLE, 23 June 1841; MONTREAL GAZETTE, 22 June 1841; LE CANADIEN, 23 June 1841; and in MONTREAL GAZETTE, 23 June 1841, and EXAMINER, 23 June 1841, Neilson's Resolutions were reported in full, though the rest of the debate was omitted. The debate was also mentioned in KINGSTON CHRONICLE, 30 June 1841; copied from the KINGSTON CHRONICLE by MONTREAL GAZETTE, 5 July 1841; BRITISH COLONIST, 23 June 1841; ST. CATHARINES JOURNAL, 24 June 1841.

11. MONTREAL GAZETTE, 22 June 1841.

12. IBID.

13. EXAMINER, 23 June 1841.

14. MONTREAL GAZETTE, 22 June 1841.

15. KINGSTON CHRONICLE, 23 June 1841.

16. MONTREAL GAZETTE, 22 June 1841.

17. KINGSTON CHRONICLE, 23 June 1841.

18. MONTREAL GAZETTE, 22 June 1841. This motion was also mentioned in KINGSTON CHRONICLE, 23 June 1841.

19. MONTREAL GAZETTE, 22 June 1841.

20. IBID.

21. IBID.

22. IBID.

**Monday, 21 June 1841.**

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Clerk Assistant to be appointed.

On motion of Mr. *Simpson*, seconded by Captain *Steele*,

*Ordered* — That the Clerk of this House do appoint an Assistant Clerk.

A petition of divers Lumber merchants &c. praying for a law appointing cullers and measurers.

A Petition of divers Lumber Merchants and others, was presented to the House by Mr. *Cameron*, and the same was received and read; setting forth: — That from 1000 to 1200 Vessels are annually loaded at the port of *Quebec* with timber — and that no law exists for the measuring or culling of the same — That the purchasers generally employ their own servants as Cullers and Measurers — persons in whom petitioners can have no confidence — to which proceeding petitioners must assent or contend with the wealthy merchant of *Quebec* at law, which would be ruinous to them; and praying that a law may be passed putting the trade on a just and equitable footing, into the hands of men unconnected with the buyer or seller.

*Ordered* — That the said Petition do lie upon the table.

Petition of John C. Moulton praying to be naturalized.

A Petition of *John Clough Moulton*, of the Township of *York*, was presented to the House by Mr. *Price*, and the same was received and read; setting forth: — That Petitioner came from the *United States* in 1830, and has resided in this Province since that period.

That, between the years 1835 and 1840, Petitioner taught a common school in the *Home* District and participated in the public grant — from which latter period it was withheld in consequence of his not being a British subject.

That Petitioner is desirous of remaining in the province and of following the calling of a Schoolmaster, and therefore prays to be naturalized.

*Ordered* — That the said Petition do lie upon the table.

Petition, divers Inhabitants of Home district referred to sel. Committee.

*Resolved* — That the Petition of divers Inhabitants of the *Home* District be referred to a special Committee of three members, to report thereon with all convenient speed, by Bill or otherwise, with power to send for persons, papers and records.

*Ordered* — That Mr. *Small*, Mr. *Cartwright* and Mr. *Boswell*, do compose the said committee.

Petition from the Montreal board of Trade praying for a partial repeal of the usury laws and the passing of an Act making it lawful to demand interest on bills and accounts from the period they become due.

A Petition of the Board of Trade of *Montreal*, respecting usury, was presented to the House by the Honorable Mr. *Moffatt*, and the same was received and read; setting forth: — That there exists in *Canada* a law regulating the rate of interest which shall be taken for the forbearance of the payment of money, fixing the said rate at not more than six per cent, but allowing less to be taken, and also annexing heavy penalties in case of the infraction of the law; calling such infraction usury — That it appears to petitioners as fallacious to affix a value for the use of money, as it would be to affix a price for a barrel of flour or a yard of cloth — money being at one time worth more than at another — and a limit to the price causes, when scarce, a withdrawal from the market, and consequent ruin to many — That the law is every day evaded in every possible mode; persons so evading the law, who may be borrowers, not only having to pay the extra rate of



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interest; but also towards recompensing the lender for the risk he runs — From this cause the most wealthy class of money lenders are often unwilling to lend on any terms — That the law first enacted at a period when such matters were but little understood, and when a superstitious feeling existed against any interest being received — and that such causes no longer existing there is no occasion for the law being continued.

That although it is just and right that a rate should be affixed where no specific agreement exists — and that the present rate is just — still, that parties ought to be allowed to make what agreement they please.

That in the United Kingdom the usury laws have been partially repealed, to the great benefit of trade, and that, owing to the great scarcity of money, and the facility of using it to profit in this province, the necessity for such repeal is much more obvious than in the said United Kingdom.

That a law existed in the late province of *Upper Canada* annexing interest to all accounts or bills from the day they became due, whether protested or not, but not in *Lower Canada*; and that it appears just that such law should exist and be general — and praying for a repeal of the usury law so far as respects the penalty in case of receiving more than six per cent, and making general the said law of the late province of *Upper Canada* allowing interest on all bills and accounts when they become due.

*Ordered* — That the said Petition do lie upon the table.

Petition from Board  
of Trade of Montreal  
praying for amend-  
ment of Inspection  
laws.

A Petition of the Board of Trade of *Montreal* respecting the Inspection of Pork, Beef, Flour, Ashes, &c., was presented to the House by the Honorable Mr. *Moffatt*, and the same was received and read; setting forth: — That there exist in *Canada* certain Laws and Ordinances, ordering that the following articles, viz: Flour and Meat, Pork and Beef and Pot and Pearl ashes, be inspected by legal Inspectors previous to exportation — and affixing a penalty for exporting the said articles without such inspection.

That this law has been productive of great good to the Province while the putting up of these articles was imperfect, and when the export was too small for any one person's manufacture to obtain a character in the markets.

That, from the formation of large and highly respectable establishments in the manufacture and preparation of the articles before named, there is in many cases no necessity for such inspection — although ordinary parcels of goods will always require it — so that the office and its duties will have to be continued; but as applicable to the merchandize prepared by the large establishments before mentioned, whose brand is well known, its interference is not only needless but injurious in effect — in as much as it produces mediocrity, by not affixing a superior brand to an article however superior in quality — such goods, if sold only by the manufacturer's or packer's brand, would be estimated by the general quality, and in consequence, such manufacturers or packers would have direct interest, not in making or packing an article just to pass inspection, but to give the greatest possible satisfaction.

That nothing but the necessity of inspection, together with the expense and time lost in inspecting, cooping, loading and unloading, prevents very large quantities of produce being sent from one part of the adjacent states of *America* to another part thereof, through the Province of *Canada*, thereby giving employment to barges and labourers and adding greatly to the tolls of the various canals and other public works; and petitioners pray that sanction be given to a bill repealing

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the clauses in the several Acts or Ordinances providing for the inspection of Flour and Indian Meal, for the inspecting, packing and curing of Beef and Pork, and for the inspection of Pot and Pearl Ashes, which

affix a penalty in case of a non-compliance with the provisions thereof, provided that in all cases, the manufacturer or packer annex to all articles put up by him, his name and address, quality and tare of package, as well as the weight, in such cases as are required by the present Acts or Ordinances, so to be marked by the inspector, leaving the rest of those Acts or Ordinances in full force.

*Ordered*—That the said Petition do lie upon the table.

Petition from board of Trade of Montreal on the subject of currency.

A petition of the Board of Trade of *Montreal* respecting the Currency was presented to the House, by the Honorable Mr. *Moffatt*, and the same was received and read; setting forth:—That owing to measures having been taken in the late Province of *Upper Canada*, affecting the currency, similar measures not being carried into effect in *Lower Canada*, there exists a difference in the currencies of the former two Provinces, extremely embarrassing to trade; and now that those Provinces are united, as bad in principle as anomalous in effect.

That the currency of the late Province of *Upper Canada*, has been very greatly depreciated, a mere token or bank note, in silver, as it has been called, namely the English shilling, and six pence, being substituted at rates far above their value for the dollar of the American continent.

That in the late Province of *Lower Canada*, certain coins called *écus*, or French half crowns, have been circulated at rates far above their value, but, their quantity being limited, the evil arising from them is so likewise.

That the pound currency is quite imaginary, and the calculation of its value in sterling money founded in error, inconvenient in practice, and giving the most incorrect ideas of its value to persons at a distance.

That it is highly essential that the whole of the *British North American Provinces*, should have one currency, and that currency, if possible, the same as that of the *United Kingdom*.

That one of the modes suggested formerly by the board of trade, namely, making the dollar and half dollar of the American continent, the only legal tender, has such objections, arising in part since the report was made, namely, the high value put upon gold, in the *United States*, and the often suspension of the Banks there, whence alone dollars and half dollars can be procured, that the board see insuperable difficulties to its adoption, were even the expense of calling in the over valued coins not too great to be afforded by the province.

That a Provincial coinage would not only be expensive but liable to be at one time too scarce and at another too plentiful, from the limited quantity wanted, and the fluctuations in supply and demand.

That the quantity of the gold coin called the sovereign, brought out by the Emigrants, is alone not only sufficient to form and keep up a good metallic circulation, but also to leave enough surplus for export.

That it is highly important that the Emigrant should find the currency the same in his adopted, as in his natal land, enabling him at once to understand its merits, and to use the coin he brings with him, as well as to explain to his friends the value of property, produce, wages, and expenses of living.

That the only difficulty would be the regulation of existing contracts and engagements, *first* on an equitable basis; *secondly*, not to lose too much when calling in the present overvalued coins, and, *thirdly*, to avoid intricate calculations.

That there seems only one mode, namely, to affix to the sovereign, which in case of the adoption of sterling would be the only legal tender, a value in the present currency, not so low as to lose by calling

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in the present coins, nor so high as to be unfair in principle, — from these causes the value of the sovereign would be, at the lowest, twenty-four shillings and six pence, currency — at the highest, twenty-five shillings; the advantage of the latter rate being that there would be no loss to the Province, and no fractional parts to calculate.

Wherefore petitioners pray that the House will give sanction to a bill altering the money of accounts of *Canada*, to sterling, the same as in the *United Kingdom*, making the British Gold Sovereign the only legal tender — British Silver to be change only to a limited amount, and affixing the value of such sovereign, in the adjusting of present accounts, at from twenty-four shillings and sixpence to twenty-five shillings, currency.

*Ordered* — That the said Petition do lie upon the table.

Second reading Gaspe fishery bill postponed.

The order of the day for the second reading of Bill to regulate the fisheries in the District of *Gaspé*, being read.

*Ordered* — That the said order of the day, be postponed until tomorrow.

House in Committee of whole on His Ex. the Gov. Gen. speech at opening of Session.

The order of the day for the House in Committee on the Speech of His Excellency the Governor General, to both Houses of the Provincial Legislature, being read —

The House accordingly resolved itself into the said Committee.

Mr. *Morris* took the chair of the Committee.<sup>1</sup>

Mr. *Baldwin* rose and said, he would take the opportunity which was now afforded him, of recurring to the subject of the communication which he had stated it was his intention to make to the House, regarding the reasons which had led to his resignation of the office of Solicitor General, and of his seat in the Executive Council. It would be recollected by hon. members that he had said he had tendered his resignation, and that that resignation had been accepted, and that therefore he was no longer a member of the administration in this Province. He had also stated that he was not then prepared, because he did not feel himself at liberty, to explain his reasons for the step, but having since applied to the proper quarter, he now felt himself at liberty to state those reasons.<sup>2</sup>

Attorney General *Ogden* here apologized for interrupting the hon. and learned gentlemen, but he thought the business ought not to be interrupted. He thought it was highly indecorous in that House still to persist in deferring the passing of the Address. They had been already a number of days in session, and he really thought that no more time should be wasted.<sup>3</sup>

Mr. *Baldwin* said that nothing could be further from his intention than to impede for a moment the business of the Session.<sup>4</sup>

Mr. *Neilson* then rose and said, perhaps it might be expected that he would explain the grounds upon which he had thought it necessary to move an amendment to the Address which had been originally proposed. It would have given him great pleasure if that Address had been such an one as he could conscientiously vote for, because he did not wish for a moment to take the matter out of the hands of the hon. mover of that address. But entering as they were at the present moment on a new career, and having been very properly recommended by His Excellency the Governor General to proceed with prudence and wisdom, he could not conscientiously give his support to the address of the hon. gentleman; tending, as it did, to pledge that House to a particular course with reference (sic) to matters which were to be brought under the consideration of the House. He (Mr. Neilson) had not the least objection to echo the Speech, but it was not right to prejudge matters which were to come before them, in the course of the Session, under the recommendation of His Excellency; all that was necessary to be said, was that they would take those subjects into their serious and respectful consideration. It was upon this ground that he had thought it is his duty to propose a substitute for the address which had been moved by the hon. gentleman. The House was now in possession of both documents, and hon. members could decide which they would adopt. He had alluded to the course upon which we are entering; he would, however, refrain from touching upon that subject further than to say that it cannot be denied that the affairs of this Province had been managed in such a way as in no respect to correspond with the language of the Governor General at the conclusion of his Speech, — that the people of this country are prosperous and contented. On the contrary, it was perfectly well known to every one at all conversant with the affairs of this Colony, that those affairs have been badly managed, and the people have never been prosperous and contented. He hoped, however, that means would be taken to produce peace, prosperity, and contentment throughout the country. And he (Mr. Neilson) for one would go the full length that any hon. gentleman in that house would go in promoting so desirable an end (hear, hear.) — But there might be a great difference of opinion between some hon. gentlemen and himself as to the mode by which they were to arrive at that object. He would



not at the present moment recur to all that had been said upon this topic. They had talked about a remedy for existing evils, and that remedy, it was said, would be found in responsible government. He (Mr. Neilson) wished with all his heart that we had responsible government, but it must be very different from that which they had had up to the present time. He was well aware what responsible government should be, and he was well aware also that it was more easily talked of than obtained. Of all things the most fatal to any people is delusion, to imagine they have got that which they have not got, for they will assuredly find themselves at the last worse than at the beginning. He did not think it necessary to enter fully into the details of his views of the means which seemed to him to be necessary to produce a more prosperous and flourishing condition in the state of the Province. In the course of the discussion he might probably be induced to enter more widely into the subject.<sup>5</sup>

**Mr. Duggan** said perhaps it might not be inappropriate on the present occasion to state the opinions which he held, and upon the faith of which he had been returned to Parliament. He (Mr. Duggan) was resolved to avoid every thing that would tend to keep up excitement, to bury the past oblivion, and look only to the future. He considered the speech of His Excellency as a most important document, as offering to this Province greater promises of good than had been ever before offered. They had the promise of that illustrious personage Lord Sydenham. — nay they had more, he had not contented himself with mere promises — they had his acts, which were better than words; they saw him actively taking up the subject which for so long a time and agitated and divided the public mind, and they also found that through his influence upon opinion, was about to be established what had been long sought for, namely, responsible government. — (Hear, hear.) Or in other words, that sort of government (sic) which was calculated to harmonize with the wishes and feelings of the people. This is, and has ever been, the great desideratum in government, because it matters not how well administered the affairs of the Government may be, if the people are unhappy and discontented. He (Mr. Duggan) had hoped that the debate would have terminated before, because he really thought ample time had been afforded for hon. gentlemen to have examined the original resolutions, and as time was exceedingly valuable, he trusted that hon. gentlemen would at once decide the question by their adoption. His own time was peculiarly precious, but he nevertheless would not shrink from the fulfillment of his duty to his constituents; that he would faithfully discharge, though he were obliged to continue for the whole term of the existence of Parliament to neglect his own individual interests (hear, hear, hear). He had hoped that the hon. member (Mr. Neilson) would have stated some good and valid reasons why they should adopt the resolutions which he had drawn up in preference to those which had been previously proposed. He should, at least, have stated wherein the difference between them consisted, that the committee might have had the benefit of the information. But the hon. gentleman had seemed to consider all explanation unnecessary. Mr. Duggan here proceeded to compare the two series of resolutions, and observed that the former were infinitely preferable. His Excellency has declared that it is with sincere satisfaction that he meets us to transact the affairs of the country, and he (Mr. Duggan) would recommend to hon. members of that house the propriety of meeting His Excellency in a like spirit, not with cold indifference, but with an earnestness for the public good (Hear, hear, hear.) He (Mr. Duggan) had sufficient confidence in His Excellency to believe that he was ready fully to co-operate with that house in giving to the people those equal rights and privileges which they have so long demanded. He believed the force of public opinion was now so strong that it could not be successfully resisted. — Does the conduct of His Excellency, or does Her Majesty's Government shew any disposition to continue to resist those demands? Far from it. On the contrary, they had reason to believe that the earnest endeavor of Lord Sydenham would be to render this Province happy and prosperous (Hear, hear).<sup>6</sup>

**Mr. Aylwin** said the position in which that House stood, and in which the country was placed, was one of exceeding interest. They were about adopting measures which would affect the interests of posterity in a very high degree, but he did not think that, as stated in the speech, the eyes of all England were upon them. He believed there was too much indifference shown in England towards this Colony. (No, no.) It was certain, however, that the eyes of our fellow-colonists were upon us, and that the members of that House were responsible to their constituents, and to their God, for the course of conduct which they would pursue upon this occasion. He regarded the speech from the Throne as a most important document, and he sincerely wished it had been one to which he could respond. When he considered what ought to be the language of the address of His Excellency to that House at the opening of the first session under the Union Bill, he could not but express his extreme dissatisfaction, that so far from being what he conceived to be proper, it had been exactly the reverse. There were features also in

the Union Bill which it was impossible for any member of that House to approve of. He would refer to the latter part of that act commencing with the fifteenth clause. The Parliament of Great Britain had undertaken to make provision with respect to the appropriation of monies levied upon this Colony, a proceeding which is at variance with the course pursued with regard to all other colonies, except, perhaps, to some in Africa. That this should be the only Colony which should be deprived of the disposal of its revenues, be (sic) considered to be a token of the utmost contempt toward this important branch of the empire. That we only, among all the colonies of Her Majesty are degraded to the lowest depth of degradation, a degradation which is unexampled in the history of colonial government. His objection to the speech was that His Excellency so far from noticing this broad distinction, has affected an entire silence upon the subject. And again there was another point to which it was his duty to direct the attention of the house, that no reference whatever had been made to the important question of responsible government. The learned Attorney General for the West has felt the importance of this question, and had entered into a long vindication of the opinions and views upon which himself and colleagues had acted, and although he seemed to have convinced the house that the principle was recognized by the Government, yet he (Mr. Aylwin) for one must express his dissatisfaction with the explanation which had been given by that hon. and learned gentleman, and in doing so he would be unjust towards himself, were he not to say, that in all the observations which he offered to that house, he wished it to be understood that he desired to speak with the utmost deference of those gentlemen who occupied the Treasury Benches, whose conduct had on all occasions been such as to merit the warmest respect. His object was to attack not men, but measures. It would have been highly satisfactory to have heard from those hon. gentlemen that we are to have affairs conducted upon such principles as were so earnestly called for by the country at large. But, notwithstanding all that had been declared to that house, they were precisely in the same condition in which they were before. What was the origin of all those evils and difficulties under which the Province had laboured? It was the composition of the two Councils, and a great and unfortunate man — unfortunate as regards himself as well as the country, in endeavouring to modify those evils instead of attacking the defective composition of the Executive Council, was so far misled as to attack that of the Legislative Council. (Hear, hear.) He felt himself bound to enter at some length into the subject: he desired however not to meddle with the affairs of Upper Canada, he did not profess to know any thing of that matter. If he was giving his own opinion — if he was venturing to give his own exposition of the law with regard to the composition of the Council, he would do so with that deference which was due to that Committee. But he had the authority of a gentleman who stood higher in the estimation of all as a man of very superior ability, and who was not less distinguished for his literary attainments — he referred to the late lamented predecessor in office of the hon. gentleman opposite, (Attorney General Ogden.) He (Mr. Aylwin) could have desired that at this day he could have seen upon those benches, either on one side or the other, that venerated head, to have heard those noble sentiments which could never have issued from any other than those lips: that gentlemen was now low in the dust — his country had recently lamented his loss, and he (Mr. Aylwin) for one would always lament that the opening of this the first session of the Parliament of United Canada should have taken place under such circumstances without the presence of Andrew Stuart, (hear, hear.) Armed with this authority he feared no opposition. He would read Stuart's own words, from the last work which he had ever published, entitled a "Review of the proceedings of the Legislature of Lower Canada." He hoped he would meet the ready excuse of the House for reading four or five pages written by that eminent man, professedly touching upon the points referred to by the hon. and learned Attorney General for Upper Canada. (Here the hon. gentleman read from the work referred to.) His first objection to the exposition of the powers and duties of the colonial Governor, as expressed by the hon. and learned Attorney General for Upper Canada was this, that that hon. gentleman had supposed that those powers were powers which might be exercised alone, and that that responsibility was a responsibility which was to be borne by himself alone, and that the responsibility of his advisers is local, whereas that responsibility extends also to the mother country. Baron Mazeres, who had filled the office of Attorney General in Lower Canada, had also given to the world his opinions. His book deserved to be in the hand of every one; it should be a *necessarium carmen*. The "Canadian Freeholder" is written in the form of a dialogue between an Englishman and a Canadian. With reference to the question of responsible government, it must be observed we must have not only the theory, but the practice also. He must say he had read with much interest the proceedings of the last session of the Parliament of Upper Canada, and he had hoped that we should have reform in those things in which reform is most needed, and especially in the formation of the Executive Council; but he had found that he was mistaken. If the old colonies of Great Britain had enjoyed the privilege of being governed by councils which were responsible, should we at



this period be satisfied with a less degree of liberty? (hear, hear.) He could wish that the instructions which had been sent out to the Governor General should be laid before the house: upon examining the Union bill, however, he discovered that the powers of the Governor and Council were to be the same as they were in 1791. But there was another circumstance which struck his notice in the exposition of the doctrines of responsible government as laid down by the hon. and learned gentleman, and it was fortunate for us that we have an example before us of the full and successful carrying out of the principle in the province of Nova Scotia; not as it had been done here — no, quite the reverse. Here we see the same confidential servants of the crown occupying the treasury benches in this house, who were the confidential servants of the crown during the old administration. In what was responsible government carried out in Nova Scotia? was it in this way? No, the Governor consulted with those who had the confidence of the country. There were no persons for whom he entertained a more profound respect individually than he did for those gentlemen who composed the council, but it had been well remarked, and nothing could be more true than the observation that the Executive Council of Canada had no character at all; and it was for this reason, he had no doubt, that his hon. and learned friend from Hastings had separated from them — (hear, hear); — it was nothing more or less than from the circumstance of their being in the position of that ministry which was so admirably ridiculed by Mr. Burke. The members of the same council did not even know each other, much less did they know the political opinions of each other. He could imagine the Attorney General for Upper Canada, with all that suavity so peculiar to him, endeavoring to find out the Attorney General of Lower Canada. Who ought the colonial ministers to be? Ought they to be ministers because they hold official situations? Ought they not rather to be those with whom the people of Canada go hand in hand? Such were the grounds upon which he (Mr. Aylwin) was dissatisfied with the exposition of the hon. and learned Attorney General for Upper Canada, as they had heard it from the mouth of that gentleman. The law of man says there should be no responsible government but the law of God says there shall be responsible government. The honor of the Governor General required that he should have introduced this matter into his speech from the throne. When the hon. gentleman (Mr. Draper) gave his exposition of the principles of responsible government, it appeared to him (Mr. Aylwin) that he did it not with that freedom with which he would have done if he had been impressed with the correctness of the views which he had taken. Instead of coming out spontaneously and stating the matter in the broadest possible terms, it had been drawn from him as it were reluctantly, and his (Mr. Aylwin's) belief was that between the ministers and the Gubernatorial chair there was a great gulph fixed which could only be passed over by some of their proconsular friends. He would go farther and ask the hon. gentleman whether the speech is one which proceeds from their pens? If he were told that it did not, he should then consider that it proceeded from some of those proconsular friends whose advice, if it had continued to be taken, might have the tendency to compel those honorable gentlemen, after undergoing innumerable difficulties, however desirous they might be of continuing in the public service, to resign. He should now dismiss this subject with observing that he considered it the imperative duty of His Excellency in addressing the first parliament of the united legislature to have noticed this subject, and his reason for voting against this address was its silence in regard to this important question. But there were other grounds on which he felt it to be his duty to oppose the address. The Governor General should have considered the importance of the situation which he and which this house holds. They were the largest Representative Assembly in the British dependencies. Why then should the Province of Canada be curtailed of its fair proportions, and condemned to that state, which he could not characterise otherwise than one of degradation? Why was it that ministers had not advised His Excellency to adopt a better course? If they had done so, notwithstanding all their past conduct, they would amply have redeemed their fair fame. Another reason why it was impossible for him to vote in favour of the address; it was well known that since the opening of parliament eight or ten petitions had been presented to that house complaining of violence having occurred at Elections, and as for bribery and corruption it had been stated loudly and openly to have taken place throughout the length and breadth of the land. And he was sorry to find that the official advisers of His Excellency were in some degree implicated in these charges. Should His Excellency not have declared there is no truth in these rumors, I disclaim any connexion with such conduct. There was another subject — he proposed alterations in the timber duties. Touching a man's pocket is touching a very sensitive point, and being true of an individual it was so of a nation also. It was a measure which if it did not ruin the country would at least do an irreparable injury, so that if they should obtain a loan, not only of a million and a half, but one of fifty millions it would not retrieve the country from its embarrassment. The provincial administration must be aware it is a point of the highest importance to us. For this reason he (Mr. Aylwin) could not do



otherwise than vote against the address, in the shape in which it had been prepared. He would now take up the address itself and what were its contents. It treats *de omnibus rebus et quibusdam aliis*. He certainly must accuse his hon. friend of bad taste in the drawing up of that address. What had that house to do with the affair of McLeod's imprisonment? it certainly looked like a desire to rouse our patriotism — to induce us all to prepare for an expedition across the river to take, burn, sink and destroy all whom we might meet, until McLeod should be released. Was it not in the power of Great Britain to secure this object without the interference of that house? He for one was not disposed to consent that his attention should be diverted from those objects which would require their consideration. Another prominent topic contained in the address was the subject of a loan of a million and a half sterling. He (Mr. Aylwin) would be as ready as any one if they had the money that it should be judiciously expended for the purposes alluded to, always provided we had it at present; but when he considered that it all depends on the ministry at house, it amounts to a mere promise of influence, such a promise as every man in power gives to every courtier; and even suppose the money to have been obtained, they had already seen the fruits of mismanagement of public monies in the Province of Canada, that Province having fallen into debt to an amount which induced him to believe that the men who had the management of affairs were not honest men. (Hear, hear.) But perhaps the object is to borrow a million and a half to pay up the debts which have been already incurred! These were the reasons why he felt it his duty to vote against the address. He would now conclude by begging pardon of the house if he had spoken at too great length. He hoped his observations would not be considered as having been made in a narrow and sectional view: he had endeavored to view the whole subject upon the broad grounds of national benefit; and in this light he still thought that if instead of obtaining a loan of a million and a half they were freely offered the whole treasury of England, with the national debt added to it, in order to induce them to assume the Union Bill in its present form, he at least for one would spurn the offer — (hear, hear.) The old and true liberties of Englishmen are not to be bartered away. In conclusion he would say that no member would be more disposed than himself to afford a fair trial to the operation of the Union bill, and to enter into all feasible plans for local improvement, but at the same time no one could convince him (Mr. Aylwin) that any one man alone could govern this large Province in the way in which it ought to be governed, unassisted by a responsible Executive Council.

Mr. Baldwin said he would not have trespassed upon the time of the committee had it not been that he had been alluded to in the course of the debate by an hon. member. It might be of importance that he should proceed with those explanations which he had promised that house. It was perfectly well known that he had accepted office at a period when the government was administered by the present Governor General. The views which were entertained upon the subject of responsible government by the Governor General, views which were contained in the despatch to which the hon. gentleman had alluded, and which were also expressed in Lord Durham's report to which that despatch alludes: those views were in practical application from the time of his taking office up to the commencement of the present session. It would be also right to state that of which the public were aware that having accepted office he had formed no condition with those gentlemen who then composed the council of His Excellency; he had always acted with a party which was entirely opposed to them. When the union of the provinces having been declared he was called on to take his seat in the Executive Council, he had reiterated to those gentlemen his express reservation of his original opinions, and that he had not changed his position which he held in respect to them. At the time there was no parliament of Canada which might give expression to the confidence of the people; but when the result of the elections became known, when it was ascertained of what materials the House of Assembly was composed, it then became his duty to inform the head of the government that the administration would not possess the confidence of the House of Assembly, and to tender to the representative of his sovereign the resignation of the office which he held, having first, as according to the duties of his office he was bound to do, offered his advice to His Excellency that the administration of the country should be reconstructed. This advice not having been adopted, my resignation followed, which was accepted. Sir, you saw a gentleman proposed to fill the Speaker's chair whose opinions with respect to the administration you heard denounced because he had no confidence in the administration, but the administration dared not propose another. Hon. gentlemen might look upon this as a trifling matter, but he (Mr. Baldwin) considered it very differently. Having given this explanation he would not trespass farther on the time of the house, he would thank them for having heard him with attention.<sup>8</sup>

Col. Prince said, the debate had taken a very extraordinary turn. The remarks of the learned gentleman from Hastings were altogether foreign to the subject before the Committee. The

speech of the hon. gentleman from Port Neuf had been delivered in the most gentlemanly tone and manner, and in replying to that gentleman he hoped he should be guided by the same spirit. But with regard to the learned Ex-Solicitor, it was really extraordinary that the committee should have been interrupted for half an hour with an explanation of the reasons for his resignation. The hon. and learned gentleman should have produced the correspondence, if any existed, upon the subject of his resignation, if he considered it of so much consequence; but he (Col. Prince) would not admit that the resignation of that hon. and learned gentleman could have been of so much consequence to the country as he seemed to imagine. With regard to the speech of His Excellency, he for one approved of it; and there was one part of the hon. gentleman's (Mr. Aylwin's) address to the committee which he approved of, and that was, that the speech was a momentous one; for never since Canada has had a Constitution, was there delivered so powerful a speech from the throne; and we have only to look with the eyes of one who wishes well to his country, to be convinced that it is the earnest desire of His Excellency the Governor General, to put in practice those useful measures to which he has in his speech referred. He (Col. Prince) hoped that they would obtain the million and a half sterling, as a loan; he would not ask for it as a gift — if they did, it would be in vain. The people of England are not such fools (a laugh) until they could establish a confidence in the credit of this country. We should remain in the same impoverished state in which we were at present. There was one observation which had been made by the hon. and learned gentleman from Port Neuf, which was really extraordinary, that gentleman is possessed of aristocratic feelings — nature has given him those feelings — education has given him those feelings — and he feels as every one of us must feel, that the honor of England has been tarnished by permitting the imprisonment of McLeod, by their not insisting on his immediate release. But we are told in the Speech from the Throne, that England will maintain her colonies at all hazards. He was astonished that the hon. and learned gentleman has also stated, that he doubts whether England does really entertain any desire for the preservation of this country. He (Col. Prince) would ask, does it show indifference, when we see England sending her fleets and armies to protect this country from an invading foe? That she has spent her resources and continues to spend them, to preserve these Colonies; and although they may not be profitable to her, she knows that it is her duty towards who have confided in her — who have shown their allegiance. She has gone to an extent which was unparalleled; and therefore the hon. gentleman is extremely wrong, when he believes that England is indifferent to our welfare; no such thing. But the hon. gentleman says, that the speech of his Excellency is full of objection — and for that reason he opposes the address. — It is extremely uncourteous towards His Excellency to move counter resolution in preference to resolutions originally introduced; it was not according to Parliamentary practice. The hon. gentleman with that *suaviter in modo* so peculiar to himself, would have you to believe that the instructions which were sent out eighty years ago to the Governor of Georgia were such as we should now follow. No, sir, the instructions to be looked at are those sent out to the Governor General. The hon. gentleman shakes his head, but I have not yet heard him shake out one sound argument to prove that the instructions to the Governor of Georgia are applicable here at the present day. One objection to the speech was stated to be want of reference to the subject of responsible government. It certainly would have been very singular if his Excellency had alluded to it. It is thoroughly understood, and by no one is it better understood than by the hon. gentleman himself. He says also that the election riots should have been noticed; but how is His Excellency to know that riots have occurred? They always have happened, and they always will happen as long as the freedom of elections exists. Besides the common law furnishes ample means for punishing outrages of that kind, without the interference of the Executive. Such are the principal objections raised by that hon. gentleman to the speech. Whether those objections would have any weight with that committee it was not for him to say; but he did think that the committee would upon reflection discover that we cannot do better than to agree to the resolutions. He thought the committee would discover that there was much to be hoped for of those matters contained in the speech, and that His Excellency had pledged himself to do more for this colony than was ever done before, and pledged himself upon such terms, too, that he believed he would carry out what he had promised. And as he had said before, it was due to the Executive that the answer to the speech should be carried forthwith, and it was due to the country that there should be no dissensions among them. The vote upon this question would doubtless be a trial of strength, but he firmly believed the original address would be carried by a large majority, and that by doing so they would give satisfaction to the country.<sup>9</sup>

**Mr. Hincks** said he should not have addressed the Committee at this stage of the debate, had it not been for some observations which fell from the hon. member from Port Neuf. He really did think that hon. gentleman, had attempt to mystify still more on the subject of responsible government, than the learned, Atty. General himself. He thought it of the highest possible importance



that no dissensions (sic) should take place. He believed there could be no difference of opinion in that house, with regard to responsible government. (Hear, hear.) This was his belief, and he regretted exceedingly that the learned Atty General had not stated his views in such a manner as would have admitted of no misconstruction. He (Mr. Hincks) would by reading a few extracts from public documents show equally to the house and the country the difference between the principles as it is now received, and that which was advocated during the administration of Sir Francis Bond Head some years ago. The true principles of responsible government have never been carried into effect in either Province, and if as one hon. gentleman had stated, it be no new principle, it is decidedly an improvement in practice. He presumed the hon. gentlemen who were members of the government were prepared to act in accordance with the admissions they had made. He (Mr. Hincks) was perfectly satisfied with those admissions. He was sorry that the hon. gentleman from Essex, (Col. Prince) had thought it necessary to make the remarks he had with regard to the learned gentleman from Hastings. The necessity of making the explanation he had made, was imposed upon that hon. gentleman by some observations of the learned gentleman from Port Neuf. He (Mr. Hincks) believed that the learned gentleman from Hastings is fully convinced that responsible government is fully conceded; the difference between himself and his colleagues is in the application of that principle. He would now revert to that which was more particularly the subject of the present debate. He had no desire to offer any thing like a factious opposition, but he would take occasion to say, that he objected to the speech not on account of any thing contained in it, but for omission. He found no fault with the speech for alluding to the subject of McLeod's imprisonment, for he felt that it was important. He concurred with the hon. and learned member for Essex, in thinking it was not improper for the executive to assure the people of this country, of her Majesty's protection. But he would connect the speech with another document — the Union Bill, and when he found language, such as that contained in the speech from the head of the government, he thought his duty to take care that he did not sanction with his vote the details of the bill. He would keep himself unfettered upon that point. — He was convinced that a majority of that house were opposed to the Union Bill, and it is a matter of notoriety that the opinions of the people of Lower Canada were not taken upon the subject (hear, hear.) The next subject to which he would briefly advert is the subject of the civil list. No reformer can think of voting for it as it stands at present, while it admits the right of the Imperial Legislature to take our money without our consent. This was a principle which no one would have the presumption to stand upon the floor of the house and attempt to justify. But the civil list is presented to be justified by the resolutions of the last House of Assembly in Upper Canada. Nor would he consent that pensions should be granted without the consent of Parliament. An individual who had recently come to this province, and who had been amply paid for all the services which he had rendered, had nevertheless as he (Mr. Hincks) was informed, a pension of £200 a year granted to him: he certainly did not think that this was a case which justified the grant, and at all events he would not be disposed to place the power of granting pensions in the hands of the Executive under any circumstances. He could not find that such a system had been adopted in any other colony. He stood there as a Canadian, as the representative of Canadians, and he could see no reason why he should stand in an inferior situation to that of his fellow subjects inhabiting other colonies. (Hear.) He was desirous of supporting the Union Bill as far as he possibly could, but he was against pledging himself to support the details of the Union Bill.<sup>10</sup>

**Capt. Steele** desired to say a few words with regard to the alledged interference of the Executive in the elections. Armed soldiers it is true were present in some cases, and many voters came to the polls under the assurance of their protection who would not have dared otherwise to have voted (Hear, hear.) Here we behold the British soldier the protector of that freedom which is so precious to us all; and yet it is endeavoured to throw discredit on the government for that which should rather meet our approach.<sup>11</sup>

**Solicitor General Day** said that he should deem it his duty at this late hour to confine his remarks to as limited a space as possible. And he could not enter into the great business of the debate without expressing his sense of the manner in which the learned gentleman from Port Neuf had treated the subject of the debate, putting it upon that footing and giving it that tone which it is so particularly desirable it should assume. And that hon. gentleman would find him (Mr. Day) at all times desirous of the same interchange of courtesies which had characterized the speech of the hon. and learned gentleman. It would be proper before entering into the immediate subject of the debate to allude briefly to the explanations of the hon. and learned member for Hastings. That gentleman had failed to explain upon what grounds it was that he accepted office, and afterwards abandoned that office. He would assure that hon. gentleman that he desired



to continue those courtesies which were due towards him ; but at the same time upon entering into the circumstances connected with his acceptance and resignation of office, he must deal plainly with the subject, and he hoped he would be acquitted if he uttered a single expression which might sound harshly in his ears. — He who leaves the safe and obscure path of private life, who deems himself capable of taking the reigns (sic) of government into his hands, must consent that his actions shall be critically judged. (Hear.) He would now proceed to give a sketch as rapidly as possible of that gentleman's political career, so far as he (Mr. Day) had been connected with it. The office which I now hold, was conferred upon me by the present Governor General, in May of 1840. Long before that period I had received a requisition from the county which I represent, to become a candidate for that county. I came out with an address which I intended should contain an expression of my political sentiments ; I mention this to show that the hon. gentleman must have been aware what those sentiments were. On the fifteenth of February following, when the Governor General communicated to the hon. gentleman his intention of calling him to his Executive Council, that hon. gentleman declared that with regard to those who held office at that time — myself and three others, he could have no confidence in them (hear, hear,) that this is the first step of inconsistency, with which it appears to me the conduct of the hon. gentleman was marked. — When the offer of so a (sic) high an honor as the office of Solicitor Genl. as well as Executive Councillor, was offered him it was his duty to ascertain who were his colleagues and whether he had confidence in them or not ; if he had not, then I say as a public man he had no right to accept office with them. (Hear, hear.) If I had acted on the principles which the hon. gentleman seems to have adopted, and formed my judgment of his character from the public prints, I would sooner have cut off this right hand than to have held office with him. But I would not rest my judgement of his character upon those grounds ; had I done so I never would have been his colleague ; and the straightforward and manly course would have been for that gentleman to have refused to accept office with those in whom he professed to have no confidence. (Hear, hear.) His colleagues afterwards went before the people, they went before respectable constituencies, notwithstanding what had been said by the hon. gentleman form Port Neuf, constituencies perfectly capable of judging in whom their confidence could be safely placed. They were returned to Parliament with the sin of being government officers upon their heads — (hear, hear) — that was the first step towards responsible government. I had the satisfaction of meeting the hon. gentleman in Montreal on business, but not a word was said by him respecting political opinions, not a step was taken towards discovering the views of his colleagues in office. The Parliament was called together under extraordinary circumstances — entering as we did upon a new era, which will be the commencement of a chain of events the nature of which will materially depend upon the first steps which are taken. Under these circumstances, this man who had accepted office, and who had no reason to trust his colleagues when he did accept it, then told his Excellency that he must break up his administration. (Hear, hear.) Two days before the meeting of Parliament a communication is made to the Governor General that he would retire from office, in consequence of what ? not that he had discovered a difference of opinion between himself and his colleagues, for he had not taken the trouble to ascertain their opinions — (hear, hear) — no ; but because he had found by secret enquiry, by attending secret meetings, that he could form a party to overturn the government. (Hear, hear, hear.) Instead of bringing his party to the support of that government whose servant he was, he endeavours to make it the instrument of his own purposes. And I would put it to the heart and understanding of every member of this House, whether he had not placed himself in a predicament — upon the horns of dilemma. I would ask, whether the mere facts themselves would not justify the supposition, that he had entered the administration with the intention of committing a deliberate act of perfidy ! (Hear, hear, hear.) Let it not be supposed that I desire that this inference should rest upon the hon. gentleman. I do not believe he would have been actuated by a dishonorable motive ; but the justifications of public men must rest on the broad face of facts. After his acceptance of office, the most remarkable circumstance of inconsistency is, his continuing to hold office without making any effort to discover what were the political views of his colleagues. The worst feature of all is, that having led the Governor General and his colleagues in office by his silence, up to the time of the meeting of Parliament, to believe that he would act in concert with the administration of the Government, after having consulted with his party, and having found that he could embarrass the administration, he then resigned his office. No explanation which he has given, or can give, will alter my opinion that his conduct was an outrage upon the representatives of the Province. It was a gross injustice also to his colleagues. I will take upon my self to say, that my opinions are as liberal as his own. (Hear, hear.) I do not believe that this Colony will be secure to the British Crown unless we go on extending those liberal plans of Government which are so anxiously desired. The opinions which I have formed

have not been drawn from old books or journals, neither from the report of Lord Durham, nor from the messages to the Assembly of Nova Scotia — but they are conclusions at which I have arrived by the exercise of reason and reflection. Although those opinions do correspond with the documents I have referred to, they are not based upon them. (Hear, hear.) I shall now take the liberty of offering a few remarks upon the immediate subject of the debate, namely — the amendments which the hon. gentleman from Quebec has proposed to the answer to the address. For my own part, after carefully examining the contents of that address, I can find nothing in it which should excite in this House any other than respectful attention to that subject on which it treats — nothing which can in any way intrench on the rights of this House. I find in it nothing at variance with that spirit of harmony which ought by every man to be promoted in this House and in the country. I find no particular defect on the face of the address. I must say that it is utterly impossible in an address of this kind to meet the precise wishes of every individual member ; but I will put it to this House, whether that address is not marked with a spirit of conciliation ; and he hoped and believed it would be met in a similar spirit — and I do entreat this House not to travel beyond the matter (sic) which is now before us. A good deal has been said about the operation of the Union bill. I do not stand here to defend the bill ; it is not my act ; it is not the act of this house ; it is that law which has been sent us in order to restore this country to that state of peace and tranquillity the absence of which has been so deplorable in its effects ; and I do entreat that hon. members will cast their eyes back and reflect for one moment upon the occurrences of the past before they reject that address.<sup>12</sup>

**Mr. Durand** said that with regard to the hon. and learned member for Hastings, nothing which had been said or which could be said would have sufficient weight to injure the character of that gentleman. He was held in too high estimation both in this country and in England, (hear, hear.) He had long been known in this country as the champion of liberal principles of government, and he (Mr. Durand) fully believed that he could have been returned for any county in the Province, (no, no.) He believed that that gentleman deserved well of the country for having made the attempt to heal the dissensions which exist, and one who would not for the sake of office abandon his principles, (hear, hear.)<sup>13</sup>

**Mr. Merritt.** — I fully concur in the sentiment expressed by the hon. and learned Solicitor General for Lower Canada, that we should conciliate and cultivate good feeling, but wholly dissent from the censure he has cast on the learned and hon. member for Hastings. The announcement of the resignation of that hon. and learned member will be received throughout the Province with feelings of deep regret, from his fixed and determined adherence to the principles we advocate, he has gained the confidence of the great body of the reformers who place reliance on his judgement. As a proof, when his Excellency the Governor General arrived in Toronto, although he was well known to have been the advocate of liberal principles in England ; great doubts existed as to his sincerity in carrying into operation the new colonial system of government recommended by Lord Durham — arising, be it known, not from those principles, but from his open opponents, and his pretended friends, who openly and publicly maintained that he never intended, notwithstanding the declarations made from time to time, to adhere to their proper spirit and meaning. The appointment of the learned gentleman was an evidence of his sincerity, and gave a confidence to his administration, which no other man in Canada could at that moment have ensured, to an equal extent. The result of the Elections is the best evidence of the extent of that feeling in Upper Canada. Had the resignation of the hon. and learned gentleman taken place at any other period, it would have materially weakened that confidence — but sir, I am one of those who never feel disposed to look at the dark side of any event, be it what it may. It is our duty to avert what we suppose an evil, but when it arises, it is equally our duty to take the most favorable view of it, and turn it to the best account — at first I confess, I apprehend the most disastrous consequences from the resignation of the hon. and learned member — but on mature reflection, I believe it will tend more than any other measure, to establish the principle without his being subject to any imputation whatever. The hon. gentleman avows on all occasions his firm belief that his Excellency Sydenham, ever has, and still does, intend to carry this main, this vital principle into practical operation — and it is not his intention to embarrass the proceedings of government as at present constituted or offer them any factious opposition ; and I feel assured this course will entitle him to the continued confidence of the people of United Canada. The hon. gentleman is no more liable for censure, in taking office than the present administration for acts of which they have no knowledge. He is now left to pursue his own course without embarrassment. We will judge him hereafter by his acts, and if he originates, matures and proposes measures which tend to promote the best



interests of the country, he will retain our confidence, if not ; he will not deserve it ; and cannot expect it.<sup>14</sup>

**Mr. Buchanan** thought that when the exact position of parties is kept in view, the retirement from office of Mr. Baldwin will be seen to be a much more important circumstance in the discussion of the address than some hon. members seem willing to allow. It could not be pretended that the address, or indeed any future measure of government, could pass this House without the assistance of the liberal members from Upper Canada. That large portion of the House, whatever might be their various views as to the propriety, under the circumstances, of Mr. Baldwin's resignation, still retain full confidence in Mr. Baldwin's political integrity, and still continue to hold that it was only on liberal principles that Colonial government can hope to succeed. Mr. Baldwin and the other liberal members from the western part of the Province carried their elections because they declared themselves supporters of the Union and in favor of the politics of the Governor General ; and now that responsible government is granted, there is surely a still stronger obligation imposed on them to view with a friendly eye the acts of the Executive. But he (Mr. Buchanan) did not consider it at all necessary to their giving an independent support to Lord Sydenham, that they must condemn or not continue to countenance the ex-Solicitor General. That hon. and learned member's taking office at first was of infinite service to government, as securing for Lord Sydenham an opportunity of developing his policy ; and he (Mr. Buchanan) believed that in Mr. Baldwin's retirement from office that gentleman had done what he could to avoid any demonstration of opposition to the head of the government. — There could be no doubt that Mr. Baldwin's resignation was mainly instrumental in bringing the present Executive Council to declare themselves as they had on what is called responsible government. In this new position of men and parties he has already seen a fresh argument in favor of allowing Canadian public opinion, as represented by the majority of the House, to have a direct control over our local legislation, for we see that even an Executive composed of men whose past career would not command for them majorities of the Assembly as constituted, may retain office by framing their measures to suit the majority, and can retain office in no other way. Under the new system the principles of the majority become the rule of Government as far as legislation is concerned ; and in fact the majority are in power even if not in place.<sup>15</sup>

The speaker ((**Mr. Cuvillier**)) said, that before this discussion went any farther, he could not forbear from explaining the to (sic) House, with reference to what had fallen from the Hon. Member for Hastings, (Baldwin) in the course of his remarks. He would say that he had made use of no expression, that would lead him to a connection with any party whatever.<sup>16</sup>

**Mr. Baldwin** said, that after the disclaimer on the part of the hon. and learned gentleman from Ottawa, (Mr. Day,) of any desire to wound his (Mr. B's) feelings, he was bound to believe that the hon. and learned member had no such intention, and he should therefore treat those terms which that hon. and learned member had thought proper to apply to him, in their restricted and Parliamentary sense, and not as designed to be personally offensive.<sup>17</sup>

**Mr. Sol. General Day**, across the table, assured the hon. and learned member that he had meant to speak of him in no other terms than those of personal respect.<sup>18</sup>

**Mr. Baldwin** was satisfied on that head, and he should proceed to remark upon the grounds taken by the hon. and learned member, in objecting to his public conduct, for which he readily admitted, with the hon. and learned member, he was answerable at the bar of public opinion. The hon. and learned gentleman had, in the first place, arraigned the course which he (Mr. B.) had taken, in accepting office on the proclamation of the Union. The hon. and learned gentleman had, however, forgotten that he (Mr. B.) was not, at the time to which the hon. and learned gentleman referred, in the position of one out of the administration, and then for the first time invited to join it. The Head of the Government, the heads of departments in both provinces, and the country itself, were in a position altogether anomalous. That of the Head of the Government was one of great difficulty and embarrassment, and while he had felt bound to protect himself against misapprehension as to his views and opinions, he had also felt bound to avoid (sic), as far as possible, throwing any difficulties in the way of the noble Lord who held that distinguished situation. It would be remembered, that at the time he was called to a seat in the Executive Council, he was already one of those public servants, the political character newly applied to whose offices made it necessary for them to hold seats in that Council. Had he then, at the very moment of being called upon to take that seat, (which was not so much



a new step in the administration, as a mere adjunct, which the new system to be applied to the working of the Provincial Government had engrafted on the office which he already held,) refused to accept it, he must, of course, have left office altogether, or have been open to the imputation of objecting to an arrangement for the conduct of public affairs which had always met with his most decided approbation. And in either case, what a position he would have been placed in ! How readily and triumphantly would the hon. and learned gentleman, and all those who now condemned him for having accepted that seat, have then denounced him, as one utterly impracticable if not absolutely factious. Then would have been pointed out, in glowing colors, the peculiarly difficult position of the Head of the Government, and the obstinacy and precipitancy of one who, at such a moment, on the eve of a general election, and that too the first election for the United Province, when there were no means of ascertaining the point towards which popular confidence might be directed, had refused to accept the seat which, according to his own views, belonged to the office which he already filled, and, as would be the necessary consequence, withdraw from the administration altogether. What, he would ask, would have been the effect of such a course, at such a time ? What the misconceptions to which it would necessarily have given rise — what the doubts and fears which it would necessarily have raised, in the minds of all, upon the great question of Responsible Government, with which his name had been so much connected, and upon which, public opinion throughout the whole country, was so concentrated. He (Mr. B.) would not hesitate to say, without assuming any importance other than such as the connexion of his humble name with that great principle, had in the public eye attributed to him, that no step that could have been taken, would have been more calculated to produce distrust and alarm. It was under a deep sense of the responsibility which he would incur in taking such a step, that he had come to the conclusion, that his course was to accept the seat to which the Head of the Government had called him ; and he would contend, that in the peculiar position in which he was placed, coupled with his well known political opinions, had he done so, without another word with respect to those opinions, either of men or measures, neither the Head of the Government nor those hon. gentlemen of the Council who now condemned him, would have any just ground of complaint against him. He had taken office originally with a full avowal of his principles, an of his want of political confidence in certain hon. gentlemen. This was before the public, and those hon. and learned gentlemen form Lower Canada who, after the Union, had been called to seats in the Executive Council of the United Province, were at least equally bound to take notice of them, as he had been held to be of the political views of the hon. and learned member himself, and in the absence of any express change in those opinions, he was entitled to be considered by all of those hon. gentlemen and by the public, as still holding them. But he had not rested satisfied with that, but had, on the contrary, in order to prevent any possible misconception, explicitly declared those opinions, both to the Head of the Government and to those hon. gentlemen, previous to his acceptance of a seat in the Executive Council. And he would take the liberty of trespassing so far as to read form the correspondence, which he of course now considered open for reference, though he did not deem it necessary to read the whole of it, the note announcing his having been named to the Executive Council, and the letter which he had addressed to the Head of the Government, in reply to that note. (Mr. Baldwin here read the following note : — )

(PRIVATE.)

“Government House, Montreal,”  
13th February, 1841.”

“My dear Sir — I am called upon to name an Executive Council for this province without delay, which at present will be composed exclusively of the chief officers of the Government ; and I have, therefore, inserted your name in the list.

“It will be necessary that you should take the oaths here ; but there will be no necessity for this being done immediately, and it may be most convenient for you to come down when the other Upper Canada officers get back.

Believe me, &c.  
Sydenham.

(Signed.)

“The Solicitor General of U.C. Toronto”

Mr. Baldwin would here ask any hon. gentleman whether from that note itself, in which the Head of the Government speaks expressly of those of whom the Council was to be “*at present*” composed, he had not just ground of supposing, that his Excellency himself looked forward to such changes as the calls of public opinion might afterwards demand ; more particularly when attention to such calls formed the very basis of the new principle to which allusion

has been so often made. To that note, however, he (Mr. Baldwin) had replied under date of the 18th or 19th of the same month, as follows : —

(Private.)

"Mr. Robert Baldwin has to acknowledge the receipt of the Governor-General's note, informing him of his Excellency having done him the honor of calling him to the Executive Council of the United Province. The names of the other gentlemen, appointed to the Council not having been communicated, Mr. Baldwin is, of course, ignorant, except from rumor, who they may be, and with no other authoritative guide than the intimation that they are "the chief officers of the Government," Mr. Baldwin would have probably waited the official announcement, if he did not feel that, in all matters of this kind, not only candor but promptness, as far as consistent with due deliberation, is the surest means of avoiding ultimate misunderstanding. Mr. Baldwin, then, assuming that the gentlemen to whom rumor has assigned seats in the new Council, are those whom his Excellency has felt it necessary should "at present" compose it, deems it a duty which he owes to the Governor-General, at once to communicate his opinion, that such arrangement of the administration will not command the support of Parliament. That with respect to those gentlemen, Mr. Baldwin has himself an entire want of political confidence in all of them, except Mr. Dunn, Mr. Harrison and Mr. Daly, and that, had he reason to suppose that the generally understood political principles and views of the other gentlemen of the Council were those upon which the government was to be administered, he conceives it would be his duty respectfully to decline continuing to hold office under it. Mr. Baldwin has, however, no desire to risk embarrassment to the Government, and at the present critical moment, taking into consideration the difficulties with which the Governor-General has to contend, he does not feel that he would be justified in doing so, by declining, on these grounds, altogether to accept the place to which his Excellency has thus appointed him. But he fears that, notwithstanding his well known political principles, his silent acceptance of the seat, even under existing circumstances, and his peculiar individual position, might be misinterpreted by the gentlemen to whom he has referred, as a tacit admission of his confidence in them, as well as in the gentlemen above named. To prevent, therefore, the possibility of any misapprehension on their parts, Mr. Baldwin will feel bound candidly and explicitly to communicate to the former, his sentiments in regard to them, politically, and he takes it for granted, that there can be no objection to his doing so, on the present occasion, any more than there was to his adopting a similar course, with respect to Mr. Draper and others, on his acceptance of the office of Solicitor-General of Upper Canada."

And in pursuance of what he had there stated to the Head of the Government, he did address letters to those hon. gentlemen, explicitly informing them "of his entire want of political confidence in them, and that had he reason to suppose that their generally understood principles and views were those upon which the government was to be administered, he would not continue to hold office under it." He (Mr. B.) would now appeal to hon. gentlemen, whether he could have done more to put all parties in possession of his views and opinions, and to prevent the occurrence of any misapprehension as to the position in which he felt himself placed. He might have taken the course of retiring from the Government, at the period referred to ; but so might the hon. gentlemen. In not taking that course, he (Mr. B.) had acted from a sense of public duty, and he felt bound to give credit to the hon. gentlemen for having done the same, in the course which they had pursued. He had felt, as he takes it for granted they had done, that the verdict of the country was to decide whether the political views of those hon. gentlemen, or his, were most in accordance with the wishes and interests of the people.

The next charge made against him, by the hon. and learned gentlemen, was his not having interchanged those communications with the hon. and learned gentlemen and the other hon. gentlemen alluded to, which might have led to a correct estimate of the respective political opinions of each. But the hon. and learned gentleman forgot that this was no charge at all, except upon the supposition that he (Mr. B.) had entered into a coalition with those hon. gentlemen. Without that pedestal to rest upon, it amounted but to this — that he had not acted inconsistently with his already avowed political opinion of those hon. gentlemen, and misled them by a show of confidence, into a belief that his previously expressed opinions with respect to them, had been modified ; or it resolved itself into a repetition of a new shape of the first charge of accepting the office of Executive Councillor at all, to which he had, he thought, given a sufficiently satisfactory answer. As far as regarded those hon. gentlemen, he contended that he had, by the course objected to, done more than maintain the position which he had already assumed, with respect to them. But with respect to those hon. gentlemen of the administration,



in whom he had felt and avowed political confidence — the hon. member for Toronto, the hon. member for Megantic, (Mr. Daly,) whom he had the pleasure of meeting for the first time, on the occasion of the visit to Montreal to which the hon. and learned member had alluded, the hon. member for London, and he might add the hon. Secretary, who had not yet a seat in that House — to one and all those gentlemen he would boldly appeal, whether he had not communicated with them, in the fullest and frankest manner, upon every topic connected with the state of the country, and upon none more fully than that involved in the subject of the present discussion (sic).

The third charge made against him by the hon. and learned gentleman, was, that he had not, at an earlier period, tendered that advice, upon the rejection of which he had felt himself called upon to resign. It was somewhat hard that he was, on the one hand, accused of precipitancy, and on the other, of delay. But when the circumstances in which he was placed, were fairly considered; when it was remembered, that from the time of his appointment to the time of his proceeding to Montreal, he had been actively engaged, first with the Upper Canada elections, and more particularly the contest for Hastings and the city of Toronto, and afterwards with attending to the duties of his office of Solicitor General, as public prosecutor in the Home Circuit, part of which he had been unable to attend to, and had been obliged to request his hon. and learned friend from the East riding of the county of York, to attend to for him, and which were not completed when he received the signification of his Excellency's pleasure that he should proceed to Montreal. That he had not only expressly communicated to the Head of the Government, at the time of accepting the seat in the Executive Council, his expectations of the result of the then approaching elections, but had never concealed his opinion, that those anticipations had been realized. That he had, when in L. Canada, had the advantage of seeing only a portion of the Reform members returned to the United Parliament; and that until he had an opportunity of communicating with the great body of them, and of ascertaining how far it was possible that the Reformers of both sections of the province were prepared to act together — a course on their parts which he (Mr. B.) had always deemed of the most vital importance to the best interests of his country, as he had frequently and candidly stated, both publicly at the hustings, and privately to those hon. gentlemen of the administration with whom he was prepared to act politically. When these circumstances were considered, he felt convinced that, to the dispassionate, at all events, he would not appear to have been to blame, in this respect at least.

And this brought him to the fourth charge of the hon. and learned gentleman — that of caballing — as he was pleased to term it; though, after the hon. and learned member's assurance, he (Mr. B.) would not assume that the term was applied in an offensive sense — in secret meetings to overthrow the administration, of which he was a member. If he (Mr. B.) understood the principle which was now to be applied to the working of the Provincial Government, it was this: that those only who possessed the confidence of Parliament were to be retained by the Crown. If he was correct in this view, he would be glad to be informed by the hon. and learned gentleman, or by any other hon. member, how he or any other man was to ascertain, whether individually or in conjunction with others, he, or the administration under which he held office, enjoyed the public confidence, except by means of those very communications with those whom the people of the province had sent to represent them, which the hon. and learned member had been pleased to designate as "midnight meetings and secret cabals." For his part, he had not only felt at liberty to communicate frankly with the hon. members of that House, with a view to ascertain their sentiments upon this, as well as other subjects, but he had felt it to be his duty to do so. (Hear, hear.) And he did not, for his part, see how the system of Responsible Government was to be worked, without such communications. He had always avowedly been a party man, and he should continue such. Parties were incident to all popular governments, and it was only through the instrumentality of party, that such governments could be successfully worked. When he said this, however, he must not be misunderstood; for while with these views, he felt bound to connect himself with a party, he felt equally bound to satisfy himself that the principles and objects of the party with which he had connected himself, were such as he could approve, and such he conscientiously believed of that party with whom he had the pleasure of acting. But neither to that party nor to any other; neither to that House, no, nor the whole body of the people, on the one hand, nor to the Crown or its representative on the other, would he sacrifice even one particle of principle. (Hear.) But to shew how little justice there was in the imputation of the hon. and learned member, that he had been plotting measures for the overthrow of the administration, he would take the liberty of reading a letter which he had addressed to his hon. and learned friend from Nicolet, (Mr. Morin,) with reference to a meeting of the Reform members of that House, held on the first day of the present session. Mr. Baldwin here read the following letter to Mr. Morin: —



*"Olcott's, 14th June, 1841*

"My Dear Sir — So long as the question respecting the Speakership was confined to the consideration of who should be the gentleman upon whom the choice of the united Reform party, to which I belong, should fall, I, of course, felt not only justified but bound to be present, that I might be prepared, in another capacity, to place such gentleman, whoever he might be, in the position of the administration candidate, and thereby prevent defeat of the administration: but having been given to understand, that it is proposed this morning to consider the means of making the question of Speakership, a question to test the strength of the administration, as at present constituted, my friends will, of course, at once see that I cannot, while I continue to hold office, be present at a meeting where such a course is intended to be discussed. You will, therefore, do me the kindness to explain to my friends, the reason of my absents myself this morning.

"Believe me, my dear Sir, faithfully yours,

(Signed.)

Robert Baldwin.

"A.N. Morin, Esq. M.P.

(Hear, hear, hear.) Hon. gentlemen would now see, even if the characters of the hon. gentlemen with whom these communications were held, did not itself afford a sufficient guarantee, that nothing objectionable or inconsistent with a high sense of honor, could have possibly transpired in the course of them; that he (Mr. B.) had not sought in those meetings, the means of gratifying personal ambition; but that political information, as to the standing of the administration in the confidence of the members of that House, had been his sole object — information which he unhesitatingly alleged to have been not only his right, but his duty to acquire, and to have done so by the very means he had made use of; indeed, there could be no other. Upon such information had been based the advice which he had tendered to the representative of his Sovereign, (hear, hear, hear,) and he would, now that there might be no possible mistake as to the nature and scope of that advice, so far trespass upon their patience as to read one extract from his letter to the Head of the Government, in which that advice had been tendered. (Mr. Baldwin here read the following extract from a letter from himself to the Governor-General, dated June 12, 1841.)

"Mr. Robert Baldwin has the honor of informing the Governor-General, that the union of the Reformers of the Eastern and those of the Western sections of the province, into one united party, has taken place. That of that united party Mr. Baldwin is a member; and that with that party, while he can do so consistently with the principles he has ever held, he is prepared to act. That that party, in Mr. Baldwin's opinion, represents the political views of the vast majority of the people of this province. That the members of that party, with scarcely a single exception, as far as Mr. Baldwin has an opportunity of learning, profess to have no confidence in the administration, as at present constituted — the want of confidence, however, expressly not extending to the Head of the Government. That Mr. Baldwin, therefore, feels himself bound to declare to his Excellency, that he conceives the administration as at present constituted, does not possess the confidence of Parliament of the country. That to place it upon a footing to obtain such confidence, it will be expedient, in Mr. Baldwin's opinion, that Mr. Sullivan, Mr. Ogden, Mr. Draper and Mr. Day should no longer form a part of it; and that some gentlemen from among the Reformers of Lower Canada should be introduced into the administration, whose accession to office would bring with them the support of the Lower Canada section of Reformers, and with that the confidence of the whole Reform party of the United Province.

"But he repeats, that he looks upon the accession of the Lower Canada Reformers who will bring with them the confidence of their friends, as absolutely essential to the arrangement. The Governor-General will remember, that Mr. Baldwin's individual want of political confidence in those of the gentlemen above named, who then held office under the government of Upper Canada, was candidly declared to his Excellency when he did Mr. Baldwin the honor of offering him the Solicitor Generalship of that province — that it was explained to those gentlemen, then; that it was reiterated to them, and a similar want of political confidence in the other two gentlemen, was declared both to his Excellency and those gentlemen themselves, in Feb. last, prior to Mr. Baldwin's acceptance of a seat in the Executive Council. The Governor-General will also recollect, that Mr. Baldwin at that time anticipated, that the result of the then approaching elections would demonstrate, that the administration as arranged, would not obtain the support of Parliament. Mr. Baldwin, therefore, in the faithful discharge of the sacred duty imposed upon him by his oath of office, feels bound respectfully to tender to his Excellency the Governor-General his humble advice, that the reconstruction of the administration upon the

basis suggested, is a measure essential to the successful and happy conduct of the affairs of this province."

(Hear, hear.) Such had been his course, from first to last, and such the advice which he had felt himself called upon to tender. Much had been said of the difficulty of the position in which the Head of the Government and the hon. gentlemen opposite were placed; but surely candor would have suggested, that the difficulty was not all on one side. He (Mr. B.) had had a difficult and most responsible position to sustain; he had endeavored to maintain it with honor to himself, with as little embarrassment as possible to the representative of his Sovereign, and those whom he retained in his confidence, and with advantage to his country. As to how far he had been successful in these latter objects, there might be a difference of opinion among the members; but he was at a loss to conceive what course he could have taken, more open, candid and straightforward towards all concerned, than that which he had pursued; and he professed himself wholly unable to discover in it that injustice, either to the Head of the Government or the home Government, which had called for the heavy condemnation of the hon. and learned member, (Hear, hear.) At all events, he would no longer occupy their time; he would throw himself upon the judgment of that House, and the country, and by their verdict he was perfectly willing to abide. (Hear, hear, hear.)<sup>19</sup>

**Mr. Bcswell** spoke disapprovingly of the Union Bill, which he would not mix up with the timber trade, and coincided earnestly with Mr. Solicitor General Day, in the great benefits to result from harmony on this important occasion.<sup>20</sup>

**Mr. Hale** observed that the business before them should be proceeded with. Their constituents had not sent them to that House merely that they might eat, drink, and be merry.<sup>21</sup>

When **Mr. Johnston** rose and drawing out his watch humorously directed the attention of the house to the small duration of five minutes for which he craved their indulgence. The hon. member... censured the house for wasting those valuable hours on the personal squabbles of an individual, when the country had so important a claim on them.<sup>22</sup> The Reporters would then have less to do, and the business of the country would be facilitated.<sup>23</sup> But this unpalatable truth not being relished, the hon. gentleman was obliged to sit down with a minute to spare out of the five. Some attempt having been made to affect the neutrality of the Hon. Speaker, that gentleman arose with much dignity and said, he would not express any opinion that might compromise him.<sup>24</sup>

**Mr. Viger** spoke, but too low to be heard.<sup>25</sup>

The evening being far advanced without anything having been done, the propriety of adjournment was at length listened to, and the debate was to be resumed to-morrow, to progress probably as speedily as **Mr. Cameron** took occasion to remark, it had hitherto done.<sup>26</sup>

(53)

and, after some time spent therein,

Progress reported.

Mr. Speaker resumed the chair, and Mr. *Morris* reported that the Committee had made some progress, and had directed him to move for leave to sit again.

*Ordered*—That the said Committee have leave to sit again to-morrow.

Second reading Judges  
Independency bill  
postponed.

The Order of the day for the second reading of the Bill for better securing the independence and uprightness of the judges, being read—

*Ordered*—That the said order of the day be postponed until to-morrow.

Then on motion of Mr. *Aylwin*, seconded by Mr. *Hamilton*,  
The House adjourned until to-morrow at ten o'clock, A. M.

Footnotes — 21 June 1841.

1. This debate was reported in: MONTREAL GAZETTE, 24, 25 June, 13 July 1841; ST. CATHARINES JOURNAL, 1, 8 July 1841; KINGSTON CHRONICLE, 23, 26, 30 June 1841; LE CANADIEN, 25 June 1841; WESTERN HERALD, 7 July 1841, from KINGSTON CHRONICLE, 22 June 1841; EXAMINER, 30 June, from KINGSTON CHRONICLE, 23, 26 June 1841; BRITISH COLONIST, 30 June 1841. The debate as reported in the MONTREAL GAZETTE and ST. CATHARINES JOURNAL was edited from the KINGSTON CHRONICLE's issues of 23, 26, 30 June.

2. KINGSTON CHRONICLE, 23 June 1841.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. KINGSTON CHRONICLE, 26 June 1841.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID. "The reply of Mr. Day to Mr. Baldwin was one of the severest castigations I ever heard, and will, I venture to say, be not soon forgotten, either by the victim or the House.", reported "Q.Q." in the MONTREAL GAZETTE, 24 June 1841.
13. KINGSTON CHRONICLE, 26 June 1841.
14. IBID.
15. IBID.
16. MONTREAL GAZETTE, 25 June 1841.
17. ST. CATHARINES JOURNAL, 8 July 1841.
18. IBID.
19. IBID.
20. BRITISH COLONIST, 30 June 1841.
21. KINGSTON CHRONICLE, 26 June 1841.
22. BRITISH COLONIST, 30 June 1841.
23. KINGSTON CHRONICLE, 26 June 1841.
24. BRITISH COLONIST, 30 June 1841.
25. IBID.
26. IBID.



**Tuesday, 22 June 1841.**

(53)

Letter from Sergeant  
at Arms.

Mr. Speaker communicated to the House the following letter : —

10 o'clock, A. M.

Kingston, 22nd June, 1841.

SIR, —

From the circumstances of my having received the appointment of Sergeant at Arms only a few days before the meeting of Parliament, I was obliged to leave my private affairs, in an unsettled state, and being anxious to return for a time, may I request the favor of your making application to the House of Assembly for permission to have the duties of Sergeant at Arms done by Deputy.

I have the honor to be,

Sir,

Your most obedient, humble servant,

(Signed)

GEO. K. CHISHOLM,  
Sergeant at Arms.

To the Honorable the Speaker }  
of the House of Assembly, }  
&c., &c., &c.

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Petition of certain  
inhabitants of County  
of Leeds praying  
for amount of  
damages sustained  
from the Victoria  
macadamized road.

A Petition of divers Inhabitants of the county of Leeds, in the Johnstown District, was presented to the House by Mr. *Morris*, and the same was received and read ; setting forth : — That the Victoria Macadamized road, commencing near to the town of *Brockville*, passes through petitioners' lands — that most of the materials required to build the said road were taken off their premises, and, in many places, stones have been quarried and earth taken for the formation of said road, leaving the land perfectly useless for agricultural purposes — That many of their fields were thrown into commons, and some of their crops greatly injured — That they have been put to great expenses in enclosing their fields, so cut to pieces — That in one case 32 fruit trees were destroyed by the road passing through an orchard — That petitioners have received no compensation though the said damages was sustained in 1838 ; and praying for relief.

*Ordered* — That the said petition do lie upon the table.

Petition for divers  
inhabitants of Innisfil,  
praying for protection  
to agriculturists.

A Petition of divers Inhabitants of the Township of *Innisfil*, was presented to the House by Captain *Steele*, and the same was received and read ; setting forth : — That for want of laws for the protection of the agriculturist, the staple commodity of the province (wheat) has failed to bring a remunerating price in market ; and praying that the wisdom of the House may devise means for remedy thereof.

*Ordered* — That the said petition do lie upon the table.

Petition from people  
stiled "Bible Chris-  
tians," praying for  
authority to hold land.

A Petition of the people denominated "Bible Christians," was presented to the House by Mr. *Williams*, and the same was received and read ; setting forth : — That Petitioners experience difficulty in securing titles to lands requisite for sites of chapels and Burying-grounds, for want of a corporate capacity to hold lands in perpetual succession ; and praying to be relieved from such disability.

*Ordered* — That the said petition do lie upon the table.

Usury laws.

*Resolved* — That this House will, on Monday next, resolve itself into a Committee of the whole House to consider the propriety of amending the usury Laws of this Province.

British America Fire & Life Assurance Company to furnish statement of its affairs.

*Resolved* — That the *British America Fire and Life Assurance Company* be required to furnish the Legislature with a full statement of its affairs; shewing the amount of Insurance charged upon the several kinds of property; the amount insured at each rate of per centage; the amount insured in each of the principal Cities and Towns in *Upper Canada*, and in each district, exclusive of those towns — also a statement of the transactions of the last year, shewing the amount of premiums charged and losses incurred, and also the contingent expenses of the company.

Petition of James W. Sharrard & Thomas Henry referred to select committee.

*Resolved* — That the Petition of *James W. Sharrard and Thomas Henry*, Christian Ministers, of the *Home* District, be referred to a select Committee, of five Members, to report thereon with all convenient speed, by Bill or otherwise, with power to send for persons, papers, and records.

*Ordered* — That Mr. *Small*, Mr. *Williams*, Mr. *Price*, Mr. *Hincks* and Mr. *Roblin*, do compose the said Committee.

*Ordered* — That the Petition of the people denominated "Bible Christians" be referred to the said Committee.

Bill to enable members to vacate their seats.

*Ordered* — That Mr. *Small* have leave to bring in a Bill to enable members of the Legislative Assembly, for places within that part of the Province formerly constituting the Province of *Upper Canada*, to vacate their seats, in certain cases, and for other purposes.

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He accordingly presented the said Bill to the House, and the same was received and read, for the first time;

*Ordered* — That the said Bill be read a second time, on *monday* next.

Petition of Israel Williams and others to be naturalized.

A petition of *Israel Williams*, and others, of the Town of Hamilton, was presented to the House by Mr. *Harmanus Smith*, and the same was received and read; setting forth: — That petitioners have long resided in the Province, and are desirous of becoming subjects of Her Majesty; and praying that a law may be passed authorising them to become subjects, by taking the oath prescribed by law.

*Ordered* — That the said petition do lie upon the table.

Petition of divers inhabitants of Gore District praying for amendment in macadamized road Acts.

A Petition of divers Inhabitants of the *Gore* District was presented to the House by Mr. *Harmanus Smith*, and the same was received and read; setting forth: — That by the Laws regulating macadamized roads, persons residing on either side, within half a mile of the road, liable to perform statute labour, are compelled to commute the same, at the rate of two shillings and six-pence per day — the money so obtained to be expended by the Commissioners in maintaining and keeping in repair said road.

That no portion of the money so raised being allowed to be expended on the roads, leading to said macadamized roads, lying within the said half-mile, which would otherwise be repaired by statute labour, said roads are become quite impassible; and praying for such amendments in the Laws as will compel the said commissioners to keep in repair, out of such moneys as thus come into their hands, the said roads lying within half a mile of the macadamized road, and leading into the same.

*Ordered* — That the said petition do lie upon the table.

Petition of divers inhabitants of the township of *Oakland*, praying that said township may be attached to the District of *Talbot*.

A Petition of divers Inhabitants of the Township of *Oakland*, was presented to the House by Mr. *Powell*, and the same was received and read; setting forth: — That the said township consists of a triangular piece of land, in front of the township of *Townsend*, and is annexed to the county of *Oxford*.

That the said county of *Oxford* is erected into a separate district, and Petitioners have much further to travel in attending Courts of Justice than they would have to do were they annexed to the district of *Talbot*, formed from the county of *Norfolk*; to which last mentioned county the said township was formerly annexed — and praying that, as the Act of the Union of the two Provinces does not prohibit it, the said township of *Oakland* may be attached to and form part of the district of *Talbot*.

*Ordered* — That the said petition do lie upon the table.

Petition of divers inhabitants of County of *Portneuf*, complaining of certain Ordinances passed by the late Special Council.

A Petition of divers Inhabitants of the County of *Portneuf*, was presented to the House by Mr. *Aylwin*, and the same was received and read; setting forth: — That Petitioners were not represented in the Special Council of the late Province of *Lower Canada*, in which laws were passed imposing burthens on them — That among other Ordinances passed were those For amending the Judicature of said Province — For establishing and maintaining a Police in the Cities of *Quebec* and *Montreal* — For extending the provisions of the last Ordinance — For the improvement of the Queen's Highway — For introducing more suitable Vehicles on the Winter Roads — For establishing District Councils — For establishing Registry Offices — and For establishing District Courts and Gaols — which Ordinances, not receiving their consent, and being vexatious and otherwise burthensome to Petitioners, they pray the same may be repealed, and no longer serve as a precedent for such dangerous and unconstitutional Legislation.

*Ordered* — That the said petition do lie upon the table.

(56)

Petition of Simon M'Kenzie and others praying remuneration for loss of land by erroneous survey.

A Petition of *Simon McKenzie, Thomas G. Chapman, Donald McKenzie, Alex. Fraser & John D. McKenzie*, of the District of *Gore*, was presented to the House, by Mr. *Durand*; and the same was received and read; setting forth: —

That Petitioners are owners of certain broken lots in the township of *Beverly*, in the *Gore* District — That owing to the survey of said township being erroneous, the Boundary line Commissioners, in regulating the lines of said township, have caused large deficiencies in Petitioners lands — That the said Commissioners, in making their award, have expressed themselves in the following language: — "And it is the opinion of this Board of Commissioners that the unfortunate situation of the several claimants under the grant from the Crown to the late *John Clement*, for the broken lots F. G. & J. in the *sixth, seventh* and *ninth* concessions of the said township of *Beverly*, is such, that, as the quantity of land is not to be found, unless the Government afford them such remuneration as in its wisdom may seem meet, there is no source, within the knowledge of the Board of Commissioners, from which they can be compensated for their loss." — That the quantity of land deficient is upwards of six hundred acres — That petitioners' loss is, according to the valuation of said Commissioners, to the amount as followeth: viz.: — *Simon M'Kenzie*, £78 — *Donald J. M'Kenzie*, £405 — *Alexander Fraser*, £278 — *Thomas G. Chapman*, £413 5s. — and *John D. M'Kenzie*, £688 — That no other persons in the said township are sufferers — and petitioners therefore pray that the House will consider their case and afford such remuneration as shall appear reasonable.

*Ordered* — That the said petition do lie upon the table.



House in Committee  
on His Excellency's  
Speech at opening  
of Session.

The Order of the day for the House in committee on the Speech of His Excellency, the Governor General, to both Houses of the Provincial Legislature, being read,

The House accordingly resolved itself into the said Committee.

Mr. Morris took the chair of the said Committee ;<sup>1</sup>

**Dr. Kimber's** remarks were chiefly directed against the Union Bill, which he regarded as against the wishes and interests of the people of the Lower Province — another objectionable feature was, the nominations to the Legislative Council, of some of which he entirely disapproved.<sup>2</sup>

**Mr. Quesnel** — would wait the result of a fair trial of the experiment, it was time when it failed to produce that good that was anticipated, to stand forth, and in the wisdom of Legislation to correct the error.<sup>3</sup>

**Mr. Turcotte** indulged in the violence of his own feelings, in his attacks upon the bill. The hon. member's remarks were merely a repetition of what had fallen from others, expressed in a tone congenial to his own taste.<sup>4</sup> This gentleman is accused of having said at the hustings there, that he would desire to wade knee deep in British blood. He denied ever having made use of such language ; and said, that so far from wishing to wade in human blood, he could not bear to see spilled even the blood of a wild pidgeon.<sup>5</sup>

**Mr. Viger** ... was prominent in his hostility to this measure.<sup>6</sup>

**Dr. Christie's** disapproval of the Union Bill, furnished (sic) nothing new ; the riots in the late elections be attributed to the exercise of an influence that ought not to have been used.<sup>7</sup>

**Mr. Simpson** in the warmth of his imagination, at the appearance of ladies in the house, enlivened the dull hours, by the inspiration of a most brilliant idea which he generously let off. — He likened them to a gentleman with an embarrassed estate — Mr. Upper Canada : — contiguous to that of a lady unencumbered Miss Lower Canada. To better himself, he forced her, through the power of her guardians, to marry him against her will ; and, as may be anticipated from the unhappy fate of similar unfortunates, the lady will be harrassed by ill-treatment with a broken heart into an untimely grave.<sup>8</sup>

**Mr. Moffatt** had heard a great deal about responsible government. In his opinion we were not in a position to be benefitted by that point being conceded in the extravagant proportion contended for by some honourable gentlemen.<sup>9</sup>

**Mr. Neilson** would rather vote for his own address, or upon such a modification of the resolutions brought before the house by the hon. member for Lanark, as he thought consistent.<sup>10</sup>

**Mr. Attorney-General Ogden** spoke to the Resolutions, and contributed not a little to the impaling of that unfortunate gentleman, Mr. Baldwin. Mr. Ogden alluded to the letter which the Member for Hastings had thought fit to send to him as well as to his colleagues, stating that he had no confidence in him, although at that time he could not have known him. If Mr. Baldwin had derived his opinion of him from the newspapers, Mr. Ogden would only say, that had he formed an opinion of that Hon. gentleman from the public prints or public rumour, he believed that that Hon. gentleman would have deserved long ago to have been led out to public execution. Mr. Ogden alluded to the debate which had taken place on the first day of the session, respecting the right of the House to adjourn, and stated that he could allude to an instance, where the Assembly had adjourned without meeting the other branches of Parliament. He referred to the House of Assembly in L. Canada when, in 1834, Lord Aylmer sent down a message by Col. Glegg to the Clerk of the House, that he was so unwell that he could not meet them — whereupon the House adjourned. The Hon. Member for Richelieu (Viger), and a certain "great man" of whom they had heard on Monday, were then active in advising the Executive, and he presumed that they would have never allowed a proceeding which was not Parliamentary. Mr. O. alluded to that part of the Speech, relating to McLeod, which the Hon. Member for Portneuf (Aylwin) had unworthily designated as "clap trap." He believed that the Government would have deserved to have been censured, had they omitted an allusion to a Canadian subject unjustly deprived of his rights. He thought the manner in which the American

authorities had treated that unfortunate man was a disgrace to a land that boasted of its freedom. When he had applied for a writ of *habeas corpus* — a measure which in England would have been determined upon instantly, the American Judges took six weeks to deliberate.<sup>11</sup>

**Sir A. MacNab** from the manner in which he had heard responsible government defined in that house, could gather nothing different from the principles laid down by Sir Francis Head. — If they had power to carry it out — now was the time or never.<sup>12</sup>

In the speech made by **Mr. Draper**, he also exposed, with cutting irony, the “predicament” of **Mr. Baldwin**. He said that that gentlemen (sic) had expressed a wish that the past might be buried in oblivion. That gentlemen might have good reasons to bury the past in oblivion, but he had none : he had done no act that he desired to be forgotten (sic).<sup>13</sup>

**Mr. Sherwood** concurred with the hon. member from Montreal in his views of responsible government.<sup>14</sup>

**Mr. Merritt** was of opinion, that having succeeded in passing the act of union, we ought now to unite in support of it. The struggle which had so long been made by reformers to obtain good government, he hoped under the guarantee of Lord Sydenham, was now at an end. If the house was to go on conflicting in opinion of supporting this address, modifying that amendment and these unceasing jars ; it was in vain to hope for that unanimity of sentiment upon which the vital interests of the country depended.<sup>15</sup>

**Mr. Neilson** withdrew his amended address, and it was understood that the amendments would be withdrawn by the mover himself, as the votes were taken.<sup>16</sup>

**Mr. Baldwin** proposed one amendment, which denied that the people of either province were consulted on the Union.<sup>17</sup>

Mr. Baldwin’s amendment was lost.<sup>18</sup>

**Mr. Merritt** then proposed an amendment to the effect, that the House admitted that some modifications might be required in the Union Bill.<sup>19</sup>

On this, a discussion arose. The officers of Government strongly opposed the amendment....<sup>20</sup>

It was carried against them by a vote of 44 to 26.<sup>21</sup>

At half-past 8 o’clock, **Mr. Aylwin** moved, seconded by **Col. Prince**, that the house do adjourn till 10 o’clock to-morrow.<sup>22</sup>

**Mr. Johnston** opposed the motion alleging that he had been in attendance the whole day and had listened with pain to the profitless cavilling and bickerings of hon. members ; — reflecting upon their mutual inconsistency, and altogether irrelevant to the matter before the house. For his part, in accordance with the solemn oath that he had taken, he could not conscientiously refrain from opposing an adjournment. If the question under discussion did not come to a decision that evening, he was convinced that another day would again be trifled away, to the great detriment of the public good, and, though he were obliged to sit there till 4 o’clock in the morning, it were better that it should be so, than that the house should break up without coming to a decision.<sup>23</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair ;

And **Mr. Morris** reported that the Committee had come to several Resolutions ; which Resolutions were again read, at the Clerk’s table, and agreed to by the House, and are as followeth : —

*Resolved* — That this House do humbly thank His Excellency for his Speech from the Throne, at the opening of the present Session.

*Resolved* — That this House duly appreciates the motives which have led His Excellency to assemble the Provincial Parliament at the earliest period which the circumstances of the Province, and the duties

Resolutions in answer to speech at opening of Session.

imposed upon him by the Imperial Act for the Union of the *Canadas*, under which the Legislature is Constituted, have admitted; and it is grateful to His Excellency for the expression of his satisfaction in now meeting this House, to deliberate on the great and important interests committed to the charge of the Provincial Parliament.

*Resolved*—That this House learns with pleasure that no time was lost, by the Executive of the Province, in remonstrating against the forcible detention of a subject of Her Majesty, an inhabitant of this Province, in the neighbouring States, under a charge of a pretended crime; that provision was made for securing to the individual the means of defence, pending the further action of Her Majesty's Government, and that the Queen's Representative at *Washington* has since been instructed to demand his release.

*Resolved*—That this House receives, with feelings of the warmest

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gratitude, the assurances which His Excellency has given to us by the Queen's command, of Her Majesty's fixed determination to protect her faithful subjects, in *Canada*, with the whole weight of her power.

*Resolved*—That this House is deeply sensible of the great advantages which the Province has derived, and must derive, from the arrangements by which, under the directions of the Treasury, the rates of postage between all parts of the Colony and the *United Kingdom* have been greatly reduced, as well as from those which have been made by the Deputy Post Master General, under His Excellency's directions, for the more speedy and regular conveyance of letters between the different parts of this Province; and it confidently anticipates, with His Excellency, that the result of the labours of the Commission, he has been pleased to appoint, to enquire into and report upon the whole Post Office System of British *North America*, will be the better establishment of a plan securing improvements in the internal communication, by post, within the Colony, equal to those which we have already obtained, in the communication with the Mother Country.

*Resolved*—That the earliest and most serious attention shall be given by this House to the many subjects of deep importance to the future welfare of the Province which demand it; and His Excellency may rest assured that any Measures which His Excellency may direct to be submitted to us, shall receive our prompt and willing consideration.

*Resolved*—That this House feels that among the first of these subjects, in importance, is the adoption of measures for developing the resources of the Province, by well considered and extensive Public Works; and that the rapid settlement of the Country, the value of every man's property within it, and the advancement of his future fortunes, are deeply affected by this question.

*Resolved*—That this House concurs with His Excellency in the opinion that the improvement of the navigation from the shores of the Lake *Erie* and Lake *Huron* to the *Ocean*, are works requiring a great outlay of money, but promising commensurate returns. We are aware of the difficulty which would have existed in undertaking these works in the present financial condition of the Province, and we learn with gratitude and pleasure that His Excellency has received the authority of Her Majesty's Government to state that they are prepared to call on the Imperial Parliament to afford their assistance towards these important undertakings; and that, in the full belief that peace and tranquillity will be happily established in the Province, under the Constitution settled by Parliament, and that nothing but a relief from its most pressing difficulties is wanting to its rapid advancement to prosperity, they will propose to Parliament, by affording the guarantee of the Imperial Treasury for a Loan to the extent of no less than a million and a half, to aid the Province, for the double purpose of diminishing the pressure of the Interest on the Public Debt, and of enabling it to proceed with those great public undertakings, whose

Resolutions in answer  
to Speech at  
Opening of Session.



progress during the last few years has been arrested by financial difficulties; and that the best consideration of this House will be given to the reason which His Excellency intends to submit to us embracing a plan for those important purposes, and we shall thankfully receive the Extracts which may be laid before us for our information and that of the people of Canada, from the despatches in which this gratifying assurance of the intentions of Her Majesty's Government were communicated to His Excellency.

*Resolved* — That Emigration, and the disposal and settlement of the Public Lands, are subjects so intimately connected with the welfare of the Province, that this House cannot but take the most lively interest in all measures that may relate to them. This House cordially concurs with His Excellency, in believing that there exist within the Province

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Resolutions in answer  
to Speech at Opening  
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no means so certain of producing a healthy flow of Emigration from the Mother Country, and of ultimately establishing the Emigrant as a Settler and proprietor within the Colony, as the power of affording sure employment for his labour on his first arrival; and that the assistance of Parliament for the Public Works which may be undertaken here, will, in a great measure, provide for this. But we are happy to learn that yet further assistance will be afforded us in this great work, and that, with a view further to aid Emigration, His Excellency is authorized to declare to us that Her Majesty's Government are prepared to assist in facilitating the passage of the Emigrant from the Port at which he is landed, to the place where his labour may be made available, and that a vote of money for this purpose will be proposed to the Imperial Parliament. We shall be gratified by receiving any communication which His Excellency may have to make us on this subject; and we shall not fail to give our best consideration to any scheme for the settlement and disposal of the Public Lands, which His Excellency may be pleased to lay before us.

*Resolved* — That the earnest attention of this House shall be given to any measure which His Excellency may submit to it for the more extended application of the principles of local self Government, which already prevail to some extent throughout that part of the Province which was formerly *Upper Canada*, for enabling the people to exercise a greater degree of power over their own local affairs, and for the establishment of such a form of local self Government for those Districts of the Province which are unprovided with it, as may ensure satisfaction to the people while it preserves inviolate the prerogative of the Crown, and maintains the administration of Justice pure from party and popular excitement.

*Resolved* — That His Excellency do rest assured that this House holds the Education of the people to be a subject of paramount importance, and that they sincerely regret that the want of due provision in this behalf should have been so long felt in the Province — they are aware of the difficulty of establishing an efficient system by which the blessings of instruction may be placed within the reach of all; but they are aware also of the overwhelming importance of the subject, and it shall be the object of their best attention, and their most anxious consideration. They humbly thank His Excellency for the promise of His co-operation in their labours, and they trust that with that co-operation they shall be able to obtain a measure which, if it should fail so to reconcile conflicting opinions as to meet the approbation of all, will at least serve as a step by which an advance to a more perfect system may be made, and the difficulty under which the people of the Province now labour may be greatly diminished, subject to such improvements hereafter as time and experience may point out.

*Resolved* — That this House thanks His Excellency for having directed that the financial accounts of the Province, and the estimates for the public service, shall be submitted to them with the least possible delay. And this House will give its prompt and deliberate attention to

the financial measures which His Excellency may lay before them for rendering the proposed assistance from Her Majesty's Government advantageous to the Province, and this House feel grateful to His Excellency for his assurance that whatever may be appropriated for this purpose will be economically employed and rendered effective.

*Resolved* — That this House humbly thanks His Excellency for the expression of his confidence in them, for the regulation of the different important matters which must necessarily come before them; they will endeavour so to order their counsels as that *Canada*, — united under a Constitution which, although it may hereafter require some modification, this House is satisfied the Imperial Legislature has framed with an earnest desire for the welfare of this portion of the British Empire, — cannot fail to prosper.

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Resolutions in answer  
to Speech at Opening  
of Session.

*Resolved* — That this House gratefully receives as pledges of the sincerity with which the Mother Country desires to promote the prosperity of *Canada*, and assist in the well working of the new Institutions which it has established, the generous aid which His Excellency has announced to them; the determination which His Excellency has been empowered to state on the part of the Government, to devote annually a large sum for the military defences of the Province, — and the fixed and settled determination which His Excellency has declared to them, in Her Majesty's name, that Her North American possessions shall be maintained at all hazards, as a part of Her Empire. They are aware that the eyes of *England* are fixed anxiously on the result of the great experiment which is now to be tried in this Province. They will use their best endeavours to ensure its success, and humbly hope that the aid of Parliament in their undertakings; the confidence of the British Capitalists in the credit they may require of them; the security which the British people will feel in seeking their shores, and establishing themselves on their fertile soil, may carry the improvement of the Province to an unexampled height. The rapid advance of Trade and Emigration, within the last eighteen months, afford ample evidence of the effect of tranquillity in restoring confidence, and promoting prosperity. — They pray fervently that no dissensions may mar the flattering prospect which is open before them; that their efforts may be steadily directed to the great practical improvement of which the Province stands so much in need; and that, under the blessing of that Providence which has hitherto preserved this portion of the British dominions, their Counsels may be so guided as to ensure to the Queen, attached and loyal subjects, and, to United *Canada*, a prosperous and contented people.

*Resolved* — That the said Resolutions be referred to a special Committee, of five members, to prepare and report the draft of an Address, in answer to the speech of His Excellency, the Governor General, to both Houses, at the opening of the present Session of the Provincial Parliament.

Committee to  
draft Address.

*Ordered* — That Mr. Cameron, Mr. Black, Mr. Dunscomb, Mr. Merritt, and the Honorable Mr. Moffatt, do compose the said Committee.

Order of the day  
for second reading  
bill, Gaspé Fisheries,  
postponed.

The order of the day for the second reading of the Bill to regulate the Fisheries in the District of *Gaspé*, being read,

*Ordered* — That the said order of the day be postponed until tomorrow.

As also bill for  
Independence  
of Judges.

The order of the day for the second reading of the Bill for better securing the Independence and uprightness of the Judges, being read,

*Ordered* — That the said order of the day be postponed until tomorrow.

Then, on motion of Mr. Morris, seconded by Mr. Price,  
The House Adjourned.

**Appendix, 19 June, 1841.****((Notice of proposed motions.))**

**Mr. Thompson** gave notice, that, on the 30th, he would move an enquiry why the £15,000 granted to the Welland Company, 2 Vict. c. 72, promulgated on the 30th January, 1840, for a shiplock at the Dunville Dam, Grand River, had not been so expended.<sup>24</sup>

**Mr. Small** gave notice of a Bill to establish the vote by ballot at elections throughout the Province.<sup>25</sup>

Footnotes — 22 June 1841.

1. This debate was noted in **KINGSTON CHRONICLE**, 30 June, 3 July 1841, which described it (30 June 1841) as "uninteresting"; **MONTREAL GAZETTE**, which on 25 June 1841 reported the debate and contained a long commentary on it, 30 June 1841, and 6 July 1841; **BRITISH COLONIST**, 30 June 1841; **ST. CATHARINES JOURNAL**, 1 July 1841, copying from **MONTREAL TIMES**, and giving another report of the debate on 22 July 1841; **LE CANADIEN**, 28 June 1841, containing the debate and a commentary on it; **WESTERN HERALD**, 7 July 1841, citing from **KINGSTON CHRONICLE**.

2. **BRITISH COLONIST**, 30 June 1841.

3. **IBID.**

4. **IBID.**

5. **MONTREAL GAZETTE**, 26 June 1841.

6. **BRITISH COLONIST**, 30 June 1841.

7. **IBID.**

8. **IBID.**

9. **IBID.**

10. **IBID.**

11. **MONTREAL GAZETTE**, 26 June 1841.

12. **BRITISH COLONIST**, 30 June 1841.

13. **MONTREAL GAZETTE**, 26 June 1841.

14. **BRITISH COLONIST**, 30 June 1841.

15. **IBID.**

16. **ST. CATHARINES JOURNAL**, 1 July 1841.

17. **IBID.**

18. **IBID.**

19. **IBID.**

20. **IBID.**

21. **IBID.**

22. **BRITISH COLONIST**, 30 June 1841.

23. **IBID.**

24. **MONTREAL GAZETTE**, 28 June 1841. These motions were also noted in **MONTREAL GAZETTE**, 6 July 1841; **KINGSTON CHRONICLE**, 3 July 1841.

25. **IBID.**



**Wednesday, 23 June 1841.**

(59)

G. B. Faribault,  
Esq., appointed  
Assistant Clerk.

Mr. Speaker acquainted the House that, pursuant to its order of *Monday* last, the Clerk had appointed *George Barthélemi Faribault*, Esq. to be Assistant Clerk to this House.

On motion of Mr. *Simpson*, seconded by the Honorable Mr. *Dunn*,  
*Resolved* — That this House doth concur in the said appointment

(60)

Mr. John Roy  
appointed Deputy  
Sergeant-at-Arms.

Mr. Speaker, communicated to the House the following letter :

KINGSTON, 23rd. JUNE, 1841.

SIR,

I beg leave, with the approbation of the House of Assembly, to appoint Mr. *John Roy*, my Deputy, as Sergeant at Arms.

I have the honor to be,

Sir,

You most obedient, humble servant,

Signed,

GEO. K. CHISHOLM,

*Sergt. at Arms.*

To the Honorable the Speaker }  
of the House of Assembly. }

Leave of absence  
to Mr. Kimber.

*Ordered* — That Mr. *Kimber*, have leave to absent himself from this House from the twenty fourth Instant.

Petition for further  
regulations by law  
in preparing Students  
for the practice of  
medicine.

A petition of the Medical Board of the District of *Montreal*, was presented to the House by Mr. *McCulloch*, and the same was received and read ; setting forth : — The necessity of more ample preparation, and instruction, to students for the medical profession than the law at present demands ; and praying that the subject may be taken into the serious consideration of the House, and that such regulations may be established for the improvement of medical education in the Province, as to its wisdom may seem meet.

*Ordered* — That the said Petition do lie upon the table.

Draft of Address  
in answer to Speech  
reported.

Mr. *Cameron*, from the select Committee to whom had been referred the Resolutions of this House on the Speech of His Excellency, the Governor General, to both Houses of the Provincial Legislature, for the purpose of preparing and reporting the draft of an Address in answer to the said Speech, founded on the said Resolutions, reported to the House the said draft of an Address, which was again read at the Clerk's table, and is as followeth : —

To His Excellency, The Right Honorable CHARLES, BARON SYDENHAM, of *Sydenham*, in the county of *Kent*, and *Toronto*, in *Canada* ; One of Her Majesty's most Honorable Privy Council, Governor General of British *North America*, and Captain General and Governor in Chief, in and over the Pro-

vinces of *Canada*, *Nova Scotia*, *New Brunswick*, and the *Island of Prince Edward*, and Vice-Admiral of the same, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY ;

Address in answer  
to Speech at opening  
of Session.

We, Her Majesty's dutiful and loyal subjects, the Legislative Assembly of the Province of *Canada*, most humbly beg leave to thank Your Excellency for Your most gracious Speech from the Throne ; at the opening of the present Session.

We duly appreciate the motives which have led Your Excellency to assemble the Provincial Parliament at the earliest period which the circumstances of the Province, and the duties imposed upon Your Excellency by the Imperial Act for the Union of the *Canadas*, under which the Legislature is constituted, have admitted ; and we are grateful to Your Excellency's expression of satisfaction in now meeting us, to deliberate on the great and important interests committed to the charge of the Provincial Parliament.

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Address in answer  
to Speech at opening  
of Session.

We learn with pleasure that no time was lost by the Executive of the Province, in remonstrating against the forcible detention of a subject of Her Majesty, an inhabitant of this Province, in the neighbouring States, under a charge of a pretended crime ; that provision was made for securing to the individual the means of defence, pending the further action of Her Majesty's Government, and that the Queen's Representative at *Washington* has since been instructed to demand his release.

We receive, with feelings of the warmest gratitude, the assurances which Your Excellency has given us, by the Queen's Command, of Her Majesty's fixed determination to protect Her faithful subjects in *Canada* with the whole weight of Her power.

We are deeply sensible of the great advantages which the Province has derived, and must derive, from the arrangements by which, under the directions of the Treasury, the rates of postage between all parts of the Colony and the *United Kingdom* have been greatly reduced, as well as from those which have been made by the Deputy Post Master General, under Your Excellency's directions, for the more speedy and regular conveyance of letters between the different parts of this Province ; and we confidently anticipate, with Your Excellency, that the result of the labours of the Commission Your Excellency has been pleased to appoint to inquire into and report upon the whole Post Office System of British *North America*, will be the establishment of a plan securing improvements in the internal communication, by post, within the Colony, equal to those which we have already obtained in the communication with the Mother Country.

Our earliest and most serious attention shall be given to the many subjects of deep importance to the future welfare of the Province which demand it ; and Your Excellency may rest assured that any measures which You may direct to be submitted to us, shall receive our prompt and willing consideration.

We feel that among the first in importance of these subjects, is the adoption of measures for developing the resources of the Province, by well considered and extensive Public Works ; and that the rapid settlement of the Country, the value of every man's property within it, and the advancement of his future fortunes are deeply affected by this question.

We concur with Your Excellency in the opinion that the improvement of the Navigation, from the shores of *Lake Erie* and *Lake Huron* to the *Ocean*, is a work requiring a great outlay of money, but promising commensurate returns. We are aware of the difficulty which would have existed in undertaking this work in the present financial condition of the Province, and we learn with gratitude and pleasure that Your Excellency has received the authority of Her Majesty's Government to state that they are prepared to call on the Imperial Par-

liament to afford their assistance towards this important undertaking ; and that in the full belief that peace and tranquillity will be happily established in the Province, under the Constitution settled by Parliament, and that nothing but a relief from its most pressing difficulties is wanting to its rapid advancement to prosperity, they will propose to Parliament, by affording the guarantee of the Imperial Treasury for a Loan to the extent of no less than a million and a half sterling, to aid the Province, for the double purpose of diminishing the pressure of the Interest on the Public Debt, and of enabling it to proceed with those great public undertakings, whose progress, during the last few years, has been arrested by financial difficulties.

Our best consideration will be given to the measure which Your Excellency intend to submit to us, embracing a plan for these important purposes, and we shall thankfully receive the extracts which may be laid before us for our information, and that of the people of

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Address in answer  
to Speech at opening  
of Session.

*Canada*, from the Despatches in which this gratifying assurance of the intentions of Her Majesty's Government were communicated to your Excellency.

We cordially concur with Your Excellency in the opinion that Emigration, and the disposal and settlement of the Public Lands, are subjects so intimately connected with the welfare of the Province, that we cannot but take the most lively interest in all measures that may relate to them ; and that there exists within the Province no means so certain of producing a healthy flow of Emigration from the Mother Country, and of ultimately establishing the Emigrant as a settler and proprietor within the Colony, as the power of affording sure employment for his labour on his first arrival. The assistance of Parliament for the Public Works which may be undertaken here, will in a great measure provide for this. But we are happy to learn that yet further assistance will be afforded us in this great work, and that, with a view further to aid Emigration, your Excellency is authorized to declare to us that Her Majesty's Government are prepared to assist in facilitating the passage of the Emigrant, from the Port at which he is landed, to the place where his labour may be made available ; and that a vote of money for this purpose will be proposed to the Imperial Parliament. We shall be gratified by receiving any communication which your Excellency may have to make to us on this subject ; and we shall not fail to give our best consideration to any scheme for the settlement and disposal of the Public Lands, which your Excellency may be pleased to lay before us.

Our earnest and most serious attention shall be given to any measure which your Excellency may submit to us for the more extended application of the principles of local self government, which already prevail to some extent throughout that part of the Province which was formerly *Upper Canada*, for enabling the people to exercise a greater degree of power over their own local affairs, and for the establishment of such a form of local self government for those Districts of the Province which are unprovided with it, as may ensure satisfaction to the people while it preserves inviolate the prerogative of the Crown, and maintains the administration of justice pure from party and popular excitement.

Your Excellency may rest assured that we hold the Education of the people to be a subject of paramount importance, and that we sincerely regret that the want of due provision in this behalf should have been so long felt in the Province — We are aware of the difficulty of establishing an efficient system by which the blessings of instruction may be placed within the reach of all, but we are aware also of the overwhelming importance of the subject, and it shall be the object of our best attention, and our most anxious consideration. We humbly



thank your Excellency for the promise of Your co-operation in our labours, and we trust that with that co-operation we shall be able to obtain a measure which, if it should fail so to reconcile conflicting opinions as to meet the approbation of all, will, at least, serve as a step by which an advance to a more perfect system may be made, and the difficulty under which the people of the Province now labour may be greatly diminished, subject to such improvements hereafter as time and experience may point out.

We thank your Excellency for the assurance that the financial accounts of the Province, and the estimates for the public service, shall be submitted to us with the least possible delay; and while we shall give our prompt and deliberate attention to the financial measures which your Excellency may lay before us, for rendering the proposed assistance from Her Majesty's Government advantageous to the Province, we feel grateful to your Excellency for the assurance that whatever may be appropriated for this purpose will be economically employed and rendered effective.

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We humbly thank your Excellency for the expression of Your confidence in us for the regulation of the different important matters which must necessarily come before us; we will endeavour so to order our counsels as that *Canada*, united under a Constitution which the Imperial Legislature has framed with an earnest desire for the welfare of this portion of the British Empire, and subject to such a modifications, as may hereafter be required, cannot fail to prosper.

We gratefully receive, as pledges of the sincerity with which the Mother Country desires to promote the prosperity of *Canada*, and assist in the well working of the new institutions which it has established, the generous aid which your Excellency has announced to us — the determination which your Excellency has been empowered to state on the part of the Government, to devote annually a large sum for the military defences of the Province — and the fixed and settled determination which your Excellency has declared to us in Her Majesty's name, that Her North American possessions shall be maintained at all hazards, as a part of Her Empire. We are aware that the eyes of *England* are fixed anxiously on the result of the great experiment which is now to be tried in this Province. We will use our best endeavors to ensure its success, and humbly hope that the aid of Parliament in our undertakings; the confidence of the British Capitalists in the credit we may require of them; the security which the British people will feel in seeking our shores, and establishing themselves on our fertile soil, will carry the improvement of the Province to an unexampled height. The rapid advance of Trade and Emigration within the last eighteen months, afford ample evidence of the effect of tranquillity in restoring confidence, and promoting prosperity. — We pray fervently that no dissensions may mar the flattering prospect which is open before us, — that our efforts may be steadily directed to the great practical improvements of which the Province stands so much in need, and that under the blessing of that Providence which has hitherto preserved this portion of the British dominions, our Counsels may be so guided as to ensure to the Queen, attached and loyal subjects, and to the United *Canada*, a prosperous and contented people.

Mr. *Cameron* moved, seconded by Captain *Steele*, that the question of concurrence be now separately put upon each paragraph of the said Address.

Mr. *Neilson* moved in amendment, seconded by Mr. *Morin*, that all the words in the said motion after "that" be struck out, and the following substituted "the following draft of an Address in answer to His Excellency's Speech be adopted by this House": —

Address in answer  
to Speech at opening  
of Session.

Amendment proposed  
by Mr. Neilson, to  
address in answer  
to Speech.

"We, Her Majesty's dutiful and loyal subjects, the Legislative Assembly of the Province of *Canada*, most humbly thank your Excellency for the Speech delivered from the Throne, at the opening of the present session.

We receive with respect your Excellency's declaration that you have assembled us at the earliest period which the circumstances of the Province and the duties imposed upon you by the Imperial Act for the Union of the *Canadas*, have permitted.

It is with deep concern that we have learnt from your Excellency that a subject of Her Majesty, and an inhabitant of this Province, has been forcibly detained in the neighbouring States; and we acknowledge with gratitude the assurance which your Excellency has been authorized to make, that it is Her Majesty's fixed determination to afford her powerful protection to her subjects in this Province.

We feel grateful for the arrangements which your Excellency communicates, by which Her Majesty's Government has reduced the rates of postage between this Colony and the United Kingdom, and that a

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Amendment proposed by Mr. Neilson, to address in answer to Speech.

more speedy and regular conveyance of letters within the Province has been effected under your Excellency's direction. And we shall hail with satisfaction any improvements in the Department of the Post Office which will put us in a condition, in that respect, equal to that which exists in the Mother Country.

We beg leave to assure your Excellency, that any message from your Excellency on matters which may be of deep importance to the future welfare of the Province, will receive our most serious attention.

The improvements of the navigation and establishment of internal communications are objects essential to the general prosperity; and we feel grateful (sic) for the information which your Excellency has communicated, that Her Majesty's Government is disposed to assist in promoting them. When your Excellency shall be pleased to lay before us despatches which convey this assurance, the whole of these subjects will receive our most respectful consideration.

We will also give our earnest consideration to the subject of Emigration, and the disposal and settlement of the Public Lands, as connected with the outlay of capital upon public works; and we derive satisfaction from the information communicated by your Excellency, that Her Majesty's Government is disposed to assist Emigrants in proceeding to those parts of the Province where their labor may be made available. Any prejudicious measure which may seem calculated to alleviate the sufferings of our fellow-subjects in the United Kingdom, who leave their home with a view of bettering their condition in this Province, will be readily concurred in by us.

We particularly thank your Excellency for your expressions in favor of local self-government, and that the people should exercise a greater degree of power over their local affairs. When the measure may come under our consideration, we shall not fail to respect the prerogative of the Crown, while we endeavor to secure the independent and impartial administration of justice.

We concur entirely with your Excellency in the importance of affording every facility for a general Education of the people. While we are ever ready to respect the rights of all to the equal enjoyment of the blessings of instruction, we trust that our labours, for the ends for which we have your Excellency's proffered co-operation, will eventually prove successful.

It is our peculiar duty to bestow the most serious attention on the public accounts, and the estimates for the public services, to be submitted to us by your Excellency, and also on any financial measures which your Excellency may lay before us affecting the revenue levied

in this Province, or which may in any way tend to impose burthens on our constituents.

Your Excellency may be assured that in discharge of our duties to Her Majesty and our constituents, it will be our constant endeavor that all our proceedings should be characterized by wisdom and prudence. In conformity to our obligations as subjects of the British Crown, and bound to fidelity by the most sacred ties, we have assembled in obedience to an Act of the Imperial Parliament and Her Majesty's writs, to advise and consent to such laws as may be deemed necessary for the peace, welfare, and good government of *Canada*: although we cannot but regret that the most populous portion of the Province heretofore constituted under the Act of Parliament of 1791, as the Province of *Lower Canada*, has not been consulted on the Constitution of the Government which is now substituted for that which prevailed under the said Act; and there are features in the Act now constituting the Government of *Canada*, which are inconsistent with justice, and the common rights of British subjects.

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We shall, nevertheless, endeavour to discharge the duties which we are now called to perform, in the true spirit of British freemen, in the hope that justice may finally prevail, and restore that confidence and prosperity, which your Excellency desires, and in which we, as well as our posterity, are so deeply interested.

His ((Mr. Neilson's)) desire for pursuing this course, was in order that his opinions might be recorded on the Journals of that House, whatever might be the fate of the amendment.<sup>1</sup>

(65)

Division on Mr.  
Neilson's amendment  
to address in answer  
to Speech.

The House divided on the motion of amendment, and the names being called for, they were taken down, as followeth:—

#### YEAS.

<i>Armstrong,</i>	<i>Desrivieres,</i>	<i>Morin,</i>	<i>Raymond,</i>
<i>Aylwin,</i>	<i>Durand,</i>	<i>Neilson,</i>	<i>Ruel,</i>
<i>Baldwin, Hon. R.</i>	<i>Hamilton,</i>	<i>Noel,</i>	<i>Small,</i>
<i>Barthe,</i>	<i>Hincks,</i>	<i>Parent,</i>	<i>Taschereau,</i>
<i>Berthelot,</i>	<i>Hopkins,</i>	<i>Price,</i>	<i>Turcotte,</i>
<i>Boutillier,</i>	<i>Kimber,</i>	<i>Quesnel,</i>	<i>Viger, Hon. D.B.</i>
<i>Christie,</i>			(25)

#### NOES.

<i>Black,</i>	<i>Derbishire,</i>	<i>McCulloch,</i>	<i>Robertson,</i>
<i>Boswell,</i>	<i>De Salaberry,</i>	<i>McDonald, (Pres.)</i>	<i>Roblin,</i>
<i>Buchanan,</i>	<i>Draper, Hon. W.H.</i>	<i>McDonald, (Glen.)</i>	<i>Simpson,</i>
<i>Burnet,</i>	<i>Dunn, Hon. J.H.</i>	<i>McLean,</i>	<i>Smith, (Fron.)</i>
<i>Cameron,</i>	<i>Dunscomb,</i>	<i>MacNab, Sir A.N.</i>	<i>Sherwood,</i>
<i>Campbell,</i>	<i>Duggan,</i>	<i>Merritt,</i>	<i>Steele,</i>
<i>Cartwright,</i>	<i>Foster,</i>	<i>Moffatt, Hon. G.</i>	<i>Strachan,</i>
<i>Chesley,</i>	<i>Gilchrist,</i>	<i>Moore,</i>	<i>Thompson,</i>
<i>Cook,</i>	<i>Hale,</i>	<i>Morris,</i>	<i>Watts,</i>
<i>Crane,</i>	<i>Holmes,</i>	<i>Ogden, Hon. C.R.</i>	<i>Williams,</i>
<i>Daly, Hon. D.</i>	<i>Johnston,</i>	<i>Powell,</i>	<i>Woods,</i>
<i>Day, Hon. C.D.</i>	<i>Jones,</i>	<i>Prince,</i>	<i>Yule. — 50</i>
<i>Delisle,</i>	<i>Killaly, Hon. H.H.</i>		

So it passed in the Negative.

Main Quest. Carried.

The question being then put on the main motion, it was agreed to unanimously, and

Paragraphs from  
1 to 7 agreed to.

The first to the seventh Paragraphs of the said Address inclusively, being again severally read, and the question of concurrence being separately put upon each, they were agreed to unanimously.

The eighth Paragraph of the said Address being again read,<sup>2</sup>



**Mr. Hincks** could not agree that that House should express its "full belief that peace and tranquillity will be happily established in the Province, under the Constitution settled by Parliament." He wished to take the yeas and nays on the question. It was one of very great importance, and he could not consent to the use of terms which in his opinion pledged the House in support of the Union bill as it is. He alluded to some amendments proposed by Mr. Derbshire which accorded with his (Mr. H.'s) views of the subject.<sup>3</sup>

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Amendment proposed  
to 8th paragraph.

**Mr. Hincks** moved, in amendment, seconded by **Mr. Price**, that the words "render (sic) the constitution settled by Parliament" be struck out of the Paragraph.

**Mr. Derbshire** rose and said that his amendments were of a different character. He hoped that the division to which the hon. member was about to press the house would be one of hostility to the measure of the Union or not. It was the right of the house to take into consideration the details of the Bill when brought under its notice by the constitutional mode of petition: he knew of no other way of making known the wishes of the people to the Mother Country. They should reserve to themselves a right of considering the measure again. Those who voted yesterday in the hurry of the division, did so under the impression of hostility to the Act.<sup>4</sup>

**Mr. Boswell** hoped the hon. member for Oxford would withdraw his motion. The resolution expressed only the belief of the British Government that peace and tranquillity would result from the Union. The House was not at all pledged in the adoption of the paragraph alluded to.<sup>5</sup>

**Mr. Durand** here rose to correct any impression that might have been formed from the vote which he had just given, tending to convey an opinion that he was opposed to the union. It had been recommended by Lord Durham, and he (Mr. D.) thought, that if it was properly modified, it would not only promote our welfare and prosperity, but elevate us in importance in the eyes of the world. He would therefore say — give the union a fair trial.<sup>6</sup>

**Mr. Small** could not see anything objectionable, in *his* reading of the paragraph; — the language was that of *Ministers*, that *they* believed that "peace and tranquillity, &c. &c. under the Constitution &c.," not that the *house* believed.<sup>7</sup>

**Mr. Merritt** begged to ask if they were not now legislating, "under the constitution as settled by Parliament?" To say, then, that they did not believe that they would enjoy peace and tranquillity, was rather a most ridiculous piece of affectation, or else a most serious truth which it was proper should be known to the Imperial Government and the British people as soon as possible, that they might not be imposed upon by any duplicity.<sup>8</sup>

**Mr. Hincks** was sorry to differ from those whose opinions he respected; but so convinced was he of the pledge that the retention of these words imposed upon the house — and so impressed upon his mind, was the vanity of expecting peace and happiness under things as they now existed, that he should press the amendment to a division.<sup>9</sup> He was of opinion that if the house merely echoed the Speech they would be deceiving Her Majesty's Ministers. (Cries of no, no.)<sup>10</sup>

**Mr. Baldwin** did not think the matter ((was)) one of small moment. If hon. members beli((eved)) that the grounds were wrong, they should not rej((oice)) at the delusion of Her Majesty's Ministers. ((He)) could not express his gratitude for a measure which he believed to be founded in error.<sup>11</sup>

**Col. Prince** was astonished, that the member for Oxford should now attempt to bring on a discussion upon a subject, which he had hoped had been set at rest. If the ayes and the noes had been taken yesterday, as he (Col. P.) had suggested this would have been prevented. Among the mass of talking with which the public time had been consumed, the gallant Col. observed, that the conspicuous brevity of the few unassuming remarks offered by himself during the debate entitled him to a little of that attention, which he had so copiously bestowed upon others, who were distinguished not a little for their dullness and prolixity. The resolutions ((had)) been passed unanimously; — why, then, disturb the house by attempting to unravel them.<sup>12</sup>

**Mr. Johnston** here followed in the same tone.... Addressing himself more particularly to the member for Oxford the hon. gentleman remarked that he (Mr. Hincks) seemed to think

that the whole weight of the liberties of Canada rested upon him. He (Mr. J.) begged leave to remark that he would yield to no member of that house in a just zeal for those inestimable blessings. But this was not to be exerted in loud-toned professions, in seduously hunting out for grievances, in mining for imperfections, and in luxuriating in blemishes, and sounding alarms where no danger existed. Many honourable members had talked a great deal about their constituencies, — he (Mr. J.) stood in that house the independent member of an intelligent constituency, whose interests there was not the least probability of his neglecting; although on every trifling occasion, to gain an influence with the house, he refrained from heralding his opinions with the solemn and pompous exclamations of “voice of the people,” “duty to my constituents,” and such like. The Union Bill had passed, and if hon. members expected the country to pay the slightest regard to their hourly professions in that house, of a desire to promote the peace of the colony, let me give it a fair trial. For his (Mr. J.’s) part he verily believed that if the act had been framed with wisdom from or high, it would not even then have found favour in the eyes of some hon. gentlemen.<sup>13</sup> Had the Angel Gabriel brought down an enactment from Heaven, there were certain Members in the House who would oppose it, merely for the sake of speechifying.<sup>14</sup>

The hon. member ((Mr. Johnston)) concluded by observing that it seemed very evident, by the quibbles and discontent of some hon. gentlemen that they were bent upon obstructing the business of the country, and as for the vigilance that they pretended to exercise for the liberties of the people, he (Mr. J.) would be very sorry that the preservation of them should be at all entrusted to their keeping.<sup>15</sup>

Mr. Draper begged to say, since hon. gentlemen professed such tenderness of conscience, he did not think their virtuous candour should be limited to suit their own convenience. As even the possibility of enjoying peace and tranquillity under the present constitution as established by the Imperial Parliament appeared to be repudiated by some, let us tell them candidly — it is of no use for you to trouble yourselves to contract a loan for us, to promote emigration and public works, to assist us in our difficulties, or to provide for our defence; alter at our bidding this constitution of ours first, before we have anything to say to you.<sup>16</sup>

Sir A. MacNab thought that the words in the address were simple enough, and very apposite, we are told that we are to have a million and a half *in the hope that peace and tranquillity &c. &c.* — was not that a very rational hope? <sup>17</sup>

(65)

The House divided on the motion of amendment; and the names being called for, they were taken down, as followeth: —

## YEAS.

Armstrong,	Christie,	Morin,	Quesnel,
Aylwin,	Desrivieres,	Neilson,	Raymond,
Baldwin, Hon. R.	Durand,	Noel,	Ruel,
Barthe,	Hincks,	Parent,	Turcotte,
Berthelot,	Kimber,	Price,	Viger, Hon. D.B.
Boutillier,			(21)

## NOES.

Black,	Burnet,	Cartwright,	Cook,
Boswell,	Cameron,	Chesley,	Crane,
Buchanan,	Campbell,	Child,	Daly, Hon. D.

(66)

Day, Hon. C.D.	Holmes,	Moore,	Smith, (Went.)
Delisle,	Johnston,	Morris,	Sherwood,
Derbshire,	Jones,	Ogden, Hon. C.R.	Steele,
De Salaberry,	Killaly, Hon. H.H.	Powell,	Strachan,
Draper, Hon. W.H.	McCulloch,	Prince,	Thompson,
Dunn, Hon. J.H.	McDonald, (Pres.)	Robertson,	Thornburn,
Dunscomb,	McDonald, (Glen.)	Roblin,	Watts,
Duggan,	McLean,	Simpson,	Williams,

Division on Mr.  
Hincks' amendment  
to 8th paragraph.

<i>Foster,</i>	<i>MacNab, Sir A.N. Small,</i>	<i>Woods,</i>
<i>Gilchrist,</i>	<i>Merritt,</i>	<i>Smith, (Fron.) Yule. — 54</i>
<i>Hale,</i>	<i>Moffatt, Hon. Geo.</i>	

So it passed in the Negative.

8th paragraph  
agreed to.

The question being then put on the eighth Paragraph of the said Address, it was agreed to unanimously.

9th to 13th paragraphs  
agreed to.

The ninth to the thirteenth Paragraphs of the said Address inclusively, being again severally read; and the question of concurrence being separately put upon each, they were agreed to unanimously.

The fourteenth Paragraph of the said Address being again read,

**Mr. Cameron** observed that in drawing up the Address from the resolutions passed in Committee, a *little* alteration had been made in the construction of the sentence, not affecting its meaning.<sup>18</sup>

To the 14th paragraph, **Mr. Merritt** suggested an amendment relative to the modification of the Union Act....<sup>19</sup>

(66)

**Mr. Cameron** moved in amendment, seconded by **Mr. Merritt**, that the words "may hereafter be required" be struck out of the said Paragraph, and the following substituted "as experience may hereafter require."<sup>20</sup>

**Mr. Neilson** spoke about an instalment of justice....<sup>21</sup>

**Mr. Aylwin** ((spoke)) about the propriety of paragraphs proceeding from a legislative assembly condemning this one.<sup>22</sup>

**Mr. Black** defended the amendment, and desiring the welfare of the country, supported the address. When the Union act came before the house, he could be free and unfettered to express his opinions.<sup>23</sup>

**Sir A. MacNab** did not approve of any committee making alterations.<sup>24</sup>

**Mr. Aylwin**, perceiving a desire to persist in wasting time, moved the question....<sup>25</sup>

**Mr. Neilson** arose and enlightened the house with the grand discovery that he had made, of the destruction of the rights and privileges of Parliament, if a committee were allowed to make any alteration in what was submitted to their judgment.<sup>26</sup>

**Mr. Black** had no dread of any such fatality overwhelming them. Was a committee to be endowed with eyes and ears, and intelligence; and were they not to be used; or were they mechanically to take their seats at a committee table like so many portable automata? He (**Mr. Black**) could not for a moment contemplate the stealing of a march upon the hon. member for the County of Quebec, and these gentlemen who acted with him, they were not so drowsy as to be caught napping.<sup>27</sup>

**Mr. Draper** defended the committee. It was their duty to make such alterations as would render a document fit to be placed before the public eye, and be of credit to the house.<sup>28</sup>

**Mr. Christie** thought that the terms of the amendment materially altered the sense and he was therefore opposed to it. The resolution as adopted expressed the opinion of the house that some alteration was required in the Union Act. The amendment requires its provisions to be tested before any decided objections are made.<sup>29</sup>

**Mr. Aylwin** withdrew his motion pressing the question....<sup>30</sup>

**Mr. Hincks.** — The amendment has been fr((am))ed with great ingenuity. He was surprised that the hon. friend from North Lincoln (**Mr. Merritt**) ((should)) have seconded it, as he could



not but see that it was left to experience to point out alterations. He ((could)) say that he thought it would be gravely inconsistent for those who had voted with him on the amendments of the previous evening to give their support to ((this)) now before the house.<sup>31</sup>

Mr. Hincks regarded the amendment as pregnant with a dark mysterious meaning, the extent of which he had been able to discover by cautious groping. The hon. member could not see what we wanted with experience to discern the defects of the union bill. — He was satisfied with standing at the threshold to find every fault. Experience he would not wait for, but would at once make a blow at the civil list.<sup>32</sup>

House divides on  
Mr. Cameron's  
amendment.

(66)

The House divided on the motion of amendment, and the names being called for, they were taken down, as followeth : —

YEAS.

<i>Black,</i>	<i>Derbshire,</i>	<i>Killaly, Hon. H.H. Roblin,</i>
<i>Boswell,</i>	<i>De Salaberry,</i>	<i>McCulloch, Simpson,</i>
<i>Buchanan,</i>	<i>Draper, Hon. W.H.</i>	<i>McDonald, (Pres.) Smith, (Fron.)</i>
<i>Burnet,</i>	<i>Dunn, Hon. J.H.</i>	<i>McDonald, (Glen.) Steele,</i>
<i>Cameron,</i>	<i>Dunscomb,</i>	<i>McLean, Strachan,</i>
<i>Cartwright,</i>	<i>Foster,</i>	<i>Merritt, Thompson,</i>
<i>Chesley,</i>	<i>Gilchrist,</i>	<i>Moffatt, Hon. G. Thorburn,</i>
<i>Child,</i>	<i>Hale,</i>	<i>Moore, Watts,</i>
<i>Crane,</i>	<i>Hamilton,</i>	<i>Ogden, Hon. C.R. Williams,</i>
<i>Daly, Hon. D.</i>	<i>Holmes,</i>	<i>Prince, Woods,</i>
<i>Day, Hon. C.D.</i>	<i>Johnston,</i>	<i>Robertson, Yule. — 45</i>
<i>Delisle,</i>		

NOES.

<i>Armstrong,</i>	<i>Desrivieres,</i>	<i>Morris,</i>	<i>Ruel,</i>
<i>Aylwin,</i>	<i>Duggan,</i>	<i>Neilson,</i>	<i>Small,</i>
<i>Baldwin, Hon. R.</i>	<i>Durand,</i>	<i>Noel,</i>	<i>Smith, (Went.)</i>
<i>Barthe,</i>	<i>Hincks,</i>	<i>Parent,</i>	<i>Sherwood,</i>
<i>Boutillier,</i>	<i>Jones,</i>	<i>Powell,</i>	<i>Taschereau,</i>
<i>Campbell,</i>	<i>Kimber,</i>	<i>Price,</i>	<i>Turcotte,</i>
<i>Christie,</i>	<i>MacNab, (Sir A.N.)</i>	<i>Quesnel,</i>	<i>Viger, Hon. D.B.</i>
<i>Cook,</i>	<i>Morin,</i>	<i>Raymond,</i>	<i>(31)</i>

Amendment carried.

So it was carried in the affirmative.

The question being then put on the fourteenth Paragraph of the said Address, so amended,

The House again divided —

Yeas, 45.

Noes, 31.

So it was carried in the affirmative.

(67)

The fifteenth, and the last, Paragraph of the said Address being again read ; and the question of concurrence being put thereon, it was agreed to unanimously, and

Address concurred in.

*Resolved* — That this House doth concur with the Committee in the said Address.<sup>33</sup>

*Ordered* — That the said Address be engrossed.

**Col. Prince** now rose to speak, but was called to order by the **Speaker** ((**Mr. Cuvillier**)) — some matter having precedence which we do not now recollect.<sup>34</sup>

**Colonel Prince** rose and spoke to the following effect : — The time, Mr. Speaker, had now arrived for every Hon. Member to record his vote upon the Address now in your hands. I shall record mine in favor of it ; and as a great deal has been said during the debate, while this House was in a Committee of the whole, about Execu-

tive Influence, Responsible Government, and Members on the Treasury Benches, as the seats in front of me are called, I beg it to be distinctly understood, that I vote upon the present occasion as the independent Member for the County of Essex — as a Member entirely independent of the Executive — as a Member uninfluenced by the Executive, either directly or indirectly — as a Member who has never been offered place or power, at the hands of the Executive, or been lead (sic) to believe that any such offer will be ever made to him. (Hear, hear.) That this Address may meet with some opposition is not to be wondered at, but I trust it will be carried. I can readily imagine an opposition such as this is, to start up. I can imagine, sir, that some Honorable Member, who having crossed the broad Atlantic, to embark his fortune in this Colony, and invested his capital on the banks of one of our noble rivers, in the just hope and expectation that he would be as safe there under the aegis of the British Constitution as he would be on the river Thames in England, but whose hopes and expectations had been bitterly deceived — who had here spent the prime of his life in counselling the weak, the disappointed and the restless, and had kept them in the straight line of duty, to their Sovereign and their Country — one on whom they had leaned on all occasions — whose time had been entirely devoted to their service and to the service of an ungrateful Government — one who had risked his life too often — and had spent his means, his time, his almost every thing, in repelling from the soil of his adopted country bands of ruffian invaders, who came there to insult the Crown, to change our Laws and Institutions, and to murder and rob his fellow citizens — one whose services thus gratuitously bestowed had met from the Government of other days neglect and coldness, and that indeed which was far worse than mere indifference — ingratitude. I say, sir, I can well imagine that any Hon. Member, used and treated in the manner I have just described, may naturally be expected to oppose this address, and the measures of His Excellency. But, sir, no true Briton will oppose it even on such grounds as those. — (Hear, hear, hear.) No sir, a loyal man, a sincere supporter of Lord Sydenham's administration — he who has an earnest desire to see this country prosper, will not divide the House on this occasion, but he will express as I do now, a hearty hope that there shall be no dissension in the camp — and that the world shall see that the first parliament of united Canada are united in the first important measure upon which they have deliberated (hear, hear.)

Now, sir, with regard to His Excellency's Speech, it promises much, I admit, but not more than, with our united exertions is, I think, capable of being realized. It contains a variety of subjects to which our attention is invited, but sir, not one of them is in my opinion equal in importance to that of Education. (Hear, hear.) I therefore do sincerely hope, as I do confidently expect, that that will be one of the measures to emanate from His Excellency; and I now assure his advisers who sit before me, and whom I hold responsible to some extent for that Speech, that the Country will expect this important measure from their hands; and that my humble support of them will in no small degree depend upon the proof which it is in their power to give, ere this Session ends, of their professions, by introducing and maturing some wholesome, liberal, and far more perfect system of General Education throughout this Colony than the present system, which in fact, is no system at all, or if it be one it is the very worst that can be found in any civilized community. (Hear, hear.)<sup>35</sup>

Responsible Government as he now understood it, he hoped to see carried out; — but upon the subject of Immigration, he disclaimed any wish for an inundation of British paupers. It was substantial farmers from the old country that we wanted; men of intelligence, character, industry and capital, but to induce such men to come among us, there must be stability and peace, not jarring and ceaseless discord. He felt highly gratified at the confidence which the prospect of a loan inspired — maintained in a firm and manly tone, the opinion of the country as regards the presumptuous violence and subterfuge of the United States in the affair of McLeod....<sup>36</sup>

As much, sir, has been said about the Union of these Provinces during these two day's debate, I will briefly state that unavoidable circumstances prevented me from voting on it in the last Assembly; but I will take this opportunity of expressing my entire concurrence in what has fallen from some Hon. Members, that the Imperial Act is objectionable, nay unjust, in some respects, towards my fellow subjects from below. And I beg leave to assure my friends from Lower Canada that when the proper time arrives they will find me go heart in hand with them in taking measures for altering and amending the Imperial Statute, so as to make it, as far as we consistently can, palatable to those whose rights and privileges have been abridged thereby.

I shall, as I said before sir, vote for the Address, and I congratulate this House and the Country at large on the unanimity which appears to pervade us on this first important question. (Hear, hear, hear.)<sup>37</sup>

It was then moved by **Mr. Cameron** that the address be presented by the whole house.<sup>38</sup>

**Mr. Small** having on the first division been in a minority, trusted that that would not be construed into a desire on his part to vote against the address as a whole.<sup>39</sup>

The Speaker ((**Mr. Cuvillier**)) decided that **Mr. Small** was not in order.<sup>40</sup>

**Mr. Attorney-General Ogden.** When the motion for engrossing is made, an opportunity will be afforded members to express their opinions on the whole address. The proper course to be pursued now is, that messengers should be appointed to wait on his Excellency and ascertain at what time his Excellency would be pleased to receive the same, and in the mean time the address might be engrossed. Unless this was done, another day would be lost, and sufficient time had already been spent.<sup>41</sup>

**Sir A. MacNab** addressed the chair stating that it was the custom in the House of Assembly of Upper Canada to read an address a third time, so that although it had been engrossed, members would even still be allowed to make any alterations that they thought proper, the rule of the present Parliament being closed to such an avenue for cavilling to lie in wait this first bantling of larger growth, which has had the sousing and swathing of so many doctors and nurses — was at length, with much distrust and misgiving, launched forth.<sup>42</sup>

Here a convocation followed on the rules of the late Houses of Assembly of Upper and Lower Canada....<sup>43</sup>

**Mr. Attorney-General Ogden** ((contended)) that the resolutions having been adopted by the Committee, and submitted to and adopted by the House, as also the address founded upon them, no further action was necessary. He read an extract from the minutes of the Lower Canada Assembly to prove that such had been the practice in Lower Canada.<sup>44</sup>

**Mr. Cameron** (seconded by **Captain Steele**) moved, that his Excellency the Governor General be waited upon by messengers, to know when he will be pleased to receive the address.<sup>45</sup>

Messengers were then nominated by ((**Mr. Cuvillier**)) the Speaker.<sup>46</sup>

**Mr. Aylwin** objected to the nomination. He thought that the gentlemen on the treasury benches, who had advised the speech and brought forward the address, were the most persons to wait upon his Excellency. The hon. member here alluded to the practice in England.<sup>47</sup>

**Col. Prince** would take the sense of the House, whether the Speaker ((**Mr. Cuvillier**)) had not the power of appointing a committee. The hon. member had alluded to British practices. If they adopt a part, it was his opinion they should adopt all.<sup>48</sup>

**Mr. Derbishire.** British practice is, that the House go up and present the address. (A laugh.) He was not in error. Hon. gentlemen had spoken of the manner of presenting the address to his Excellency. In the confusion which was but too prevalent in that House, hon. members really did not appear to know what they had advanced.<sup>49</sup>

The Speaker ((**Mr. Cuvillier**)) said that under the rules of the House he had the power of nominating a deputation: he was therefore only fulfilling his duty. If the House thought proper to allow those rules, he should act in accordance.<sup>50</sup>

(67)

*Ordered* — That the said Address be presented to His Excellency the Governor General, by the whole House.

*Ordered* — That **Mr. Cameron**, **Captain Steele**, **Mr. Prince**, and **Mr. Simpson**, do wait upon His Excellency, the Governor General, to know His Excellency's pleasure, when he will be attended by this House with their Address.

Message from Leg.  
Coun. with Code of  
Rules and a  
Resolution.

A Message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery: —

**MR. SPEAKER,**

The Legislative Council have adopted a code of Rules, for the guidance of this House, and a certain Resolution on the same subject,



copies of which they herewith transmit for the information of the Legislative Assembly.

(Signed) ROBERT S. JAMESON,  
Speaker.

Legislative Council Chamber, }  
22nd June, 1841.

"It was moved that it be —

Resolution from  
Leg. Coun.

"*Resolved* — That a manuscript copy of the Rules adopted by this "House be communicated in the usual manner to His Excellency, the "Governor General, and to the Legislative Assembly."

"The said Resolution being read twice and the question of concurrence put thereon, the same was agreed to by the House, and it was "*Ordered* accordingly."

"Truly extracted from the Journal of the Legislative Council, of "Tuesday the twenty-second day of June, 1841.

(Signed) "JAMES FITZGIBBON,  
Clerk Legislative Council."

And also —

MR. SPEAKER,

Message from  
Leg. Coun.

The Legislative Council have passed a Bill, intituled "An Act to "alter for a limited period the place of sitting of the Heir and Devisee "Commission of the late Province of *Upper Canada*; and for other "purposes therein mentioned" to which they desire the concurrence of the Assembly.

And then he withdrew.

Bill from Leg. Coun.  
Sitting of Heir and  
Devisee Commission.

An engrossed Bill from the Legislative Council, intituled "An Act "to alter for a limited period the place of sitting of the Heir and Devisee "Commission of the late Province of *Upper Canada*; and for other "purposes therein mentioned," was read for the first time.

*Ordered* — That the said Bill be read a second time to-morrow.

Petition of divers  
inhabitants of the  
county of Frontenac,  
complaining of the  
election of Henry  
Smith, Jr. Esquire.

A Petition of divers Inhabitants of the County of *Frontenac*, was presented to the House by Mr. *Prince*, and the same was received and read; setting forth: — That petitioners are freeholders in the county of *Frontenac*, in the *Midland* district, and as such, entitled to vote at the election of a member to represent said county, in the Legislative Assembly of the Province.

(68)

Petition of divers  
inhabitants of the  
county of Frontenac,  
complaining of the  
election of Henry  
Smith, Jr. Esquire.

That at the election of such member, held at *Kingston*, on *Monday*, the 8th day of *March* last, *Henry Smith*, Jun., Esq., and *James Mathewson*, Esq., were, respectively, proposed as candidates to represent said county in such Legislative Assembly; and *Thomas Kirkpatrick*, Esq., of *Kingston*, aforesaid, elected as the Returning Officer and President at the said election.

That the said *Henry Smith*, by means of bribes, treats, rewards, or favours, or promises of bribes, treats, rewards, or favours, paid, given, or ordered, or promised to be paid or given by himself, or by others, as his friends, agents, committees, or supporters, to divers freeholders and electors of the said county; and by threats and intimidation, and other corrupt and illegal acts, induced certain of such Electors to tender their votes at the said Election for him the said *Henry Smith*; and the said *Thomas Kirkpatrick* admitted the votes of such Electors for the said *Henry Smith*.

That the said *Henry Smith*, by reason of such bribes, treats, or favours, or promises thereof; and by the said threats and intimidation, and other corrupt and illegal conduct became, and was, and is disqualified from sitting in this present Parliament, as a Member of the Legislative Assembly, and ought not to have been returned as the member for the said County at the late election.

That during the said election the said *Thomas Kirkpatrick* conducted himself, as such Returning Officer, in an arbitrary, illegal, partial, and overbearing manner, in order to intimidate the electors at the said election, and to favour the said *Henry Smith*, and that, by reason thereof, freeholders desirous of tendering and recording their votes in favour of the said *James Mathewson* were prevented from so doing, and the said *Thomas Kirkpatrick*, during the said election, and contrary to law and the usage and practice at elections in this Province, and without any sufficient cause, removed, or caused to be removed from the Hustings the Counsel, Scrutineer, and Inspector of the said *James Mathewson*, and deprived the said *James Mathewson* of the benefit and assistance of the said Counsel, Scrutineer, and Inspector, and the said *Thomas Kirkpatrick*, by the rejection of good votes tendered for the said *James Mathewson*, and also by his arbitrary, partial, illegal, and overbearing conduct, and by the said *Thomas Kirkpatrick* so depriving the said *James Mathewson* of the benefit and assistance of the said Counsel, Scrutineer and Inspector, induced the said *James Mathewson* to relinquish the contest when many votes remained unpolled; and the said *Thomas Kirkpatrick*, illegally and improperly returned the said *Henry Smith* as duly elected, although the said *Henry Smith* was and is disqualified as above set forth from sitting in the said Legislative Assembly, and the majority on the poll in favour of the said *Henry Smith* was only collusive and colourable, and the said *James Mathewson* was, and is, entitled to the majority of the good and legal votes, and would have been returned by a majority of the legal votes in said county but for the illegal and improper conduct aforementioned, and praying the House to enquire into the merits of the said election and the conduct of the said *Henry Smith* and of the said Returning Officer, and either to amend the return by inserting the name of the said *James Mathewson*, instead of the said *Henry Smith*, or to cause a new writ to be issued for the election of a fit and proper person to represent the said county in place of the said *Henry Smith*. And also praying that petitioners may be allowed to offer evidence in support of the allegations set forth, before the committee to be appointed for the trial of the matter of this petition.

The gallant Col. ((Prince)) remarked, that in presenting this petition, he was only performing his duty as a member of the House; but he wished to be distinctly understood: that he was not of the opinion that either the returning officer or the sitting member had been guilty of the conduct imputed to them. He thought the statements contained in the petition were greatly aggravated, but as a member of the House it was his duty to lay before the House any petition placed in his hands couched in proper language.<sup>51</sup>

(68)

*Ordered* — That the said Petition do lie upon the table.

(69)

Mr. Speaker acquainted the House that *Edward Noble*, and *William Ferguson*, had entered into the usual recognizance required by Law, on the subject matter of the contested election for the county of *Fron-tenac*.

*Resolved* — That this House will, on *Friday* next, resolve itself into a Committee of the whole House to consider the orders adopted by the late House of Assembly of *Lower Canada* for regulating its proceedings in cases of contested elections in that Province.

The Order of the day for the second reading of the Bill to amend the Heir and Devisee Act being read,

*Ordered* — That the said Order of the day be postponed until the twenty-fifth day of July next.

The Order of the day for the House to proceed to the Ballot of members for a Committee to nominate the standing Committees of this House, being read —

Speaker reports  
Recognizance  
entered into.

House to go into  
Committee of whole,  
on Friday next, to  
consider orders of  
Lower Canada  
Assembly on  
contested Elections.

Orders of day for  
second reading of  
Bill to amend Heir  
and Devisee Act  
postponed.

Order of the day  
for Committee to  
nominate Standing

Committees  
postponed.

*Ordered*—That the said Order of the day be postponed until to-morrow, and that it be the first Order of the day.

Gaspé fishery Bill  
read second time.

A Bill to regulate the fisheries in the District of *Gaspé* was, according to order, read a second time.

Bill referred to  
Committee.

*Resolved*—That the said Bill be referred to a Committee of five members to report thereon with all convenient speed, with power to send for persons, papers, and records.

Committee formed.

*Ordered*—That Mr. *Hamilton*, Mr. *Christie*, Mr. *Burnet*, the Honourable Mr. *Moffatt*, and Mr. *Dunscomb*, do compose the said Committee.

Judges' Independency  
Bill read second time,  
and referred to  
Sel. Committee.

A Bill for better securing the independence and uprightness of the Judges was, according to order, read a second time.

*Resolved*—that the said Bill be referred to a Committee of five members to report thereon with all convenient speed, with power to send for persons, papers, and records.

Committee formed.

*Ordered*—That Mr. *Aylwin*, Mr. Attorney General *Draper*, Mr. *Black*, Mr. *Baldwin*, and Mr. *Price*, do compose the said Committee.

Then on motion of Mr. *Aylwin*, seconded by Mr. *Derbyshire*,  
The House adjourned.

Footnotes — 23 June 1841.

1. BRITISH COLONIST, 30 June 1841. The EXAMINER, 30 June 1841, contains a commentary on this amendment.

2. The debate which ensued was reported in: KINGSTON CHRONICLE, 26 June 1841; BRITISH COLONIST, 30 June 1841; LE CANADIEN, 5 July 1841 translated from KINGSTON CHRONICLE, 26 June 1841.

3. KINGSTON CHRONICLE, 26 June 1841.

4. IBID.

5. IBID.

6. BRITISH COLONIST, 30 June 1841.

7. IBID.

8. IBID.

9. IBID.

10. KINGSTON CHRONICLE, 26 June 1841.

11. IBID.

12. BRITISH COLONIST, 30 June 1841.

13. IBID.

14. WESTERN HERALD, 7 July 1841.

15. BRITISH COLONIST, 30 June 1841.

16. IBID.

17. IBID.

18. WESTERN HERALD, 7 July 1841.

19. BRITISH COLONIST, 30 June 1841. "This roused again some of those susceptible gentlemen, who have taken upon themselves the sole charge of our free existence."

20. The debate ensuing was reported in: BRITISH COLONIST, 30 June 1841; KINGSTON CHRONICLE, 26 June 1841. The ST. CATHARINES' JOURNAL, 8 July 1841 contains a brief mention of the debate. Commentaries on the debate may be found in: EXAMINER, 30 June 1841; LE CANADIEN, 28 June 1841; MONTREAL GAZETTE, 28 June 1841; WESTERN HERALD, 7 July 1841. The WESTERN HERALD described the debate as follows: "Thereupon a most stormy and angry discussion ensued, which lasted some two hours; in which all the angry spirits of the House on both sides took a part."

21. BRITISH COLONIST, 30 June 1841.

22. IBID.

23. IBID.

24. IBID.

25. IBID.

26. IBID.

27. IBID.

28. IBID.

29. KINGSTON CHRONICLE, 26 June 1841.

30. BRITISH COLONIST, 30 June 1841.

31. KINGSTON CHRONICLE, 26 June 1841.

32. BRITISH COLONIST, 30 June 1841.

33. The debates which occurred on this Resolution are reported in: KINGSTON CHRONICLE, 26 June 1841; WESTERN HERALD, 7 July 1841; LE CANADIEN, 28 June, 5 July 1841; MONTREAL GAZETTE, 26 June 1841, 28 June 1841, containing commentaries; ST. CATHARINES JOURNAL, 8 July 1841, in a brief note; and BRITISH COLONIST, 30 June 1841.

34. KINGSTON CHRONICLE, 26 June 1841.

35. WESTERN HERALD, 7 July 1841.

36. BRITISH COLONIST, 30 June 1841.

37. WESTERN HERALD, 7 July 1841.

38. BRITISH COLONIST, 30 June 1841.



39. IBID.
40. KINGSTON CHRONICLE, 26 June 1841.
41. IBID.
42. BRITISH COLONIST, 30 June 1841.
43. KINGSTON CHRONICLE, 26 June 1841.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.

**Thursday, 24 June 1841.**

His Exy. the Gov.  
Gen. to receive the  
House, with Address,  
in answer to speech,  
at 3 o'clock.

Petition from Clergy-  
man & Members  
of the Church of  
England praying that  
the bible, entire, may  
be used in schools  
as a class book.

(69)

Mr. *Cameron*, accompanied by the other messengers, reported that in obedience to the orders of the House, they had waited upon His Excellency, the Governor General, to know His Excellency's pleasure when he will receive this House, with their Address; and that His Excellency had been pleased to appoint this day, at three o'clock, in the afternoon, to receive the House, at the Government House.

A Petition of the Clergyman, and Members of the Church of England, resident in *St. Armand* west, was presented to the House by the Honourable Mr. *Moffatt*, and the same was received and read; setting forth: — That petitioners, viewing with dismay the ignorance, and con-

(70)

sequent injury to society in general, likely to accrue from the want of schools for the rising generation of the Province, and the utter impossibility of providing them, especially in the new settlements, from private contributions, satisfied also that it is the duty of every wise and beneficent Government to provide, for all classes of its subjects, the means of a sufficient Education, do, in perfect reliance on the wisdom of this House, most earnestly pray that the provision of such means may be amongst its earliest deliberations.

That petitioners, while they are anxious to promote, throughout the Province, the diffusion of general knowledge, are, in their own minds, convinced that knowledge, to be productive of any real benefit or substantial good to the people, must be guided by the unerring wisdom of God, as revealed in His Word.

That further, petitioners, at the same time that they respect the rights of conscience in their fullest extent, do yet consider the Bible as the most sacred of God's gifts to man, — a gift which they would not willingly see denied, or even in part with-held from the rising youth of the Province — That humbly also, but conscientiously, believing that the Bible, as given by God must be received as a whole, and cannot without rashness or detriment be either added to or diminished from — inasmuch, as all scripture is given by inspiration of God, and is therefore declared to be profitable in various ways and for various purposes, petitioners consider that they would ill discharge their duties as christians, and consequently as believers in the whole book of Revelation, if they did not deprecate, in any contemplated establishment of schools, every attempt to introduce into them extracts, only, from the holy scriptures, whereby the word of God would be abridged and mutilated, and the imperfect selections of uninspired men be substituted for the inspired word of the Almighty, expressly revealed for man's benefit and guidance.

Wherefore petitioners humbly pray that not only may the Bible, according to the received translation, be recognized as the class book to be universally taught in all public schools and seminaries throughout the Province in which Protestant children shall receive their Education; but that it may be put into the hands of all such scholars in its full and unabridged state, and that no part of it may be with-held from them.

*Ordered* — That the said petition do lie upon the table.

Petition from President and directors of Canada Fire Assurance Company praying for an Act of Incorporation.

A petition of the President and Directors of the *Canada Fire Assurance Company*, was presented to the House by Mr. *Black*, and the same was received and read; setting forth:—That a large number of the citizens of *Quebec* have associated themselves together for the purpose of insuring against losses by fire, under the name of the "*Canada Fire Assurance Company*;"

That since the formation of this association, in the year 1840, they have transacted business to a very large extent, and still continue to do so.

That the capital of the said Company amounts to £100,000, divided into 4000 shares of £25 each, of which £58,000 has been subscribed and taken up, and five percent thereon paid up, which, with an additional five percent, to be called in forthwith, will make ten per cent on the amount of capital subscribed.

That the said association allows to its stockholders an abatement or discount of thirty three and a third per cent upon the premiums of the insurances they make with the said Company.

That owing to the small amount of each share, a portion of which only is required to be paid in, viz. ten per cent, it will be in the power of every proprietor, in the City of *Quebec*, to become a stockholder, and thus ensure his property at the lowest possible rate; an advantage

(71)

not to be derived from Institutions of a similar nature wherein the shares are nearly four times as large.

That by reason of the shares being so small, many, if not most of the proprietors, of small means, have been induced to purchase stock in the said association, and have thereby become so much interested in the suppression of fires, that threefold the activity has been manifested therein since the establishment of the said association in the City of *Quebec*.

That to enable said Company to carry on their business with the greater advantage they are desirous of obtaining a charter of Incorporation under the name aforesaid.

Wherefore petitioners humbly pray the House to concur in an Act incorporating the said association for the purposes, and under the name aforesaid.

Foregoing petition referred to select Committee.

*Resolved*—That the said Petition be referred to a Committee of five Members, to examine the contents thereof, and report thereon, with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Committee formed.

*Ordered*—That Mr. *Black*, the Honourable Mr. *Moffatt*, the Honourable Mr. *Viger*, Mr. *Baldwin*, and Mr. *Dunsmuir*, do compose the said Committee.

Petition of J. Gross and D. High referred to select Committee.

*Resolved*—That the petition of *Jacob Gross* and *Daniel High*, Ministers of the Menonist Church, and others, presented to the House on the fifteenth instant, be referred to a Committee of five Members, to examine the contents thereof, and report thereon, with all convenient speed; with power to send for persons, papers, and records.

Committee formed.

*Ordered*—That Mr. *Merritt*, Sir *Allan MacNab*, Mr. *Prince*, Mr. *Baldwin*, and Mr. *Boswell* do compose the said Committee.

House proceeds to Gov. House, with Address.

At the hour appointed, Mr. Speaker, and the House, went up to the Government House with the Address of the House.

And being returned,

Mr. Speaker reports reply to Address in answer to Speech.

Mr. Speaker reported that the House had attended upon His Excellency, the Governor General, with their address, to which His Excellency was pleased to make the following answer:—



*Gentlemen of the House of Assembly,*

Reply.

I thank you for your Address, and I assure you of my entire reliance upon your wisdom and prudence to assist me in whatever may tend to augment the prosperity of the people of *Canada*.

Petition of R. J. Turner referred to select Committee.

*Resolved* — That the petition of *Robert J. Turner*, of the Town of *Kingston*, presented to the House on the sixteenth Instant, be referred to a select Committee, of five Members, to examine the contents thereof, and report thereon, by Bill or otherwise, with all convenient speed; with power to send for persons, papers and records.

**Col. Prince** was desirous that the door should be open to all. He deprecated any exclusiveness that would close up the avenue of a profession, and monopolise to itself the privilege of an *entré(e)* to it.<sup>1</sup>

**Mr. Price** spoke to the high character of the petitioner with whom he had been long acquainted, both in England and in the province. He hoped that he should not give offence to the hon. gentleman; but as a tribute to Mr. Turner, he must say, that he had taught the profession in this province, the practice of the Court of Chancery.<sup>2</sup>

**Mr. Aylwin** regarded the information of the hon. and learned member as a gratifying novelty. The gentlemen of this colony must be singularly indebted to Mr. Turner. He (Mr. A.) was of opinion, though, that to part of the province which was lately Lower Canada, such a compliment to professional ignorance, would have been rather a dry one.<sup>3</sup>

**Sir A.N. MacNab** hoped that those who had filled their buckets at this fountain of legal knowledge, were grateful for their supply. The Court of Chancery was not proverbial for doing anything for nothing — he shrewdly suspected, therefore, that the gentleman in question had been well paid for his trouble.<sup>4</sup>

**Mr. Neilson** thought that it was inconsistent with the dignity of the House, to reject the prayer of any individual, unless substantial proof before that House justified such a course.<sup>5</sup>

(71)

Committee formed.

*Ordered* — That *Mr. Price*, *Mr. Prince*, *Mr. Baldwin*, *Mr. Cartwright*, and *Mr. Small*, do compose the said Committee.

Petition of divers freeholders of the District of Gore referred to select Committee.

*Resolved* — That the petition of divers Freeholders, residing in the District of *Gore*, presented to the House on the sixteenth Instant, be referred to a select Committee, of five Members, to examine the contents thereof, and report thereon, by Bill or otherwise, with all convenient speed; with power to send for persons, papers, and records.

Pommittee (sic) formed.

*Ordered* — That *Mr. Durand*, *Mr. Merritt*, *Mr. Price*, *Mr. Hopkins*, and *Mr. Thorburn*, do compose the said Committee.

Bill for establishing Anatomical schools read.

*Ordered* — That *Mr. Simpson* have leave to bring in a Bill for the establishment of Anatomical Schools, and for the encouragement of Anatomical Science.

(72)

He accordingly presented the said Bill to the House, and the same was received and read, for the first time.

*Ordered* — That the said Bill be read a second time on the first day of July, next.

Petition of George Rykert, and others, referred to select Committee.

*Resolved* — That the petition of *George Rykert*, and others, Inhabitants of the District of *Niagara*; presented to the House on the sixteenth instant, be referred to a committee of five members, to examine the contents thereof, and report thereon, with all convenient speed; with power to send for persons, papers and records.

Committee formed.

*Ordered* — That Mr. Merritt, Mr. Holmes, Mr. Johnston, Mr. Thorburn, and the Hon. Mr. Moffatt, do compose the said committee.

Motion for Clerk to subscribe for *Mirror of Parliament* lost.

Mr. Prince, moved, seconded by Mr. Hincks — That the Clerk be directed to subscribe for five hundred copies of the *Mirror of Parliament* for one month, for the use of the members of this House.<sup>6</sup>

The plan was to report in short hand and give the debates in full — an undertaking, which on account of the expense could not remunerate the projectors without the patronage of the house. Col. Prince thought that it was but reasonable, that their constituents, should know something of their proceedings, — that the *Mirror* appeared to be well conducted — that it was the impression of the sayings of that house, unmixed with editorial comments, — and that he should move therefore, that the clerk of the house be ordered to subscribe for 500 copies of it for one month.<sup>7</sup>

Sir A.N. MacNab thought that it was taking the house by surprise....<sup>8</sup> Sir Allan MacNab said he concurred in what had fallen from the hon. and learned member for Essex, that it was very desirable that their constituents should know what was going on in that house. But he could see no particular reason why their patronage should be confined to the *Mirror of Parliament*. He thought it would be better to refer the matter to a committee, which should inquire and inform the house as to the best mode of giving publicity to the debates and proceedings of that house.<sup>9</sup>

Mr. Hincks supported the motion, and spoke well of the numbers that had been already published.<sup>10</sup>

Mr. Morin said he thought there was another thing to be considered. A large portion of the members of that house and of their constituency would not be in the least degree benefitted (sic) by the publication of the reports, unless it were also done in the French language. He had no objection to the encouragement of reporting, but means should be taken to publish the reports in both languages.<sup>11</sup>

Mr. Hincks said that with reference to confining their patronage to the *Mirror of Parliament*, he thought there were many reasons why that paper should be preferred. In the first place all other papers would have the benefit of the reports given by the *Mirror*, which from being published more frequently would bring out the debates much earlier than any other; and another consideration was, the *Mirror* was a paper entirely unconnected with politics, and contained nothing but the debates and proceedings of the Legislature. He trusted the house would concur in ordering a limited number of copies.<sup>12</sup>

Mr. Aylwin said he regretted very much that he could not concur in the motion of the hon. and learned gentleman from Essex. He felt it to be his duty to resist the motion. In this matter as in all others he was desirous of being guided by the usages of parliament and the law of the land, and there was no principle more firmly established by both Houses of Parliament in England than that of the impropriety of affording patronage to, or of sanctioning the reporting of their debates, giving thereby an official character to those reports. The learned Attorney General for the west had suggested to him a circumstance which recently occurred in England. The House of Commons were involved in serious difficulty in consequence of the publication of certain proceedings which took place in that house; and there was nothing more likely than that the motion of the hon. and learned gentleman from Essex would have the tendency to bring that house into similar difficulty. He (Mr. Aylwin) would feel exceedingly grieved that the Speaker of that house should be prosecuted in an action at law for any thing which was said in that house, for there were many things said which ought not to be published. He was far from wishing that the most complete publicity should not be given to the debates and proceedings of the house; as a matter of course, it was very much to be desired that it should be done; but there was no doubt that it would take place in the end, without the interference or assistance of the House itself, further than by providing accommodations for the publishers of papers to attend the house and take reports of the debates. Although he opposed the motion of the hon. and learned gentleman, it was not from any fear or dread which he entertained of the fourth estate, as the reporters had been styled — (a laugh) If they were a fourth estate in the affairs of legislation, he thought before the principle was established of giving to these reports the sanction of the house, it would be well to examine as to what was the practice in the British Parliament.<sup>13</sup>

**Colonel Prince** said, that for the existence of the fourth estate, if there were such an estate, the house would be indebted to he hon. and learned gentleman himself ; for although he would not give them any pecuniary assistance, yet he would provide accommodations for enabling them to attend the house and procure their reports. As to the house rendering itself liable for any thing reported as having been said in that house, he thought it was, to use a vulgar phrase — all nonsense. He (Col. Prince) knew of no rule of law by which the Speaker of that house, as the hon. and learned gentleman supposed, could be held answerable for any thing which was said within it. The hon. and learned gentleman agrees with me, that it is desirable that our constituents should know what is said here : all must agree in that ; no one can deny it for this reason, and because the Mirror of Parliament confines itself to reports of the debates and proceedings in the house, I think it but reasonable that the work should be encouraged.<sup>14</sup>

**Mr. Johnston** suggested that if they really were desirous of supporting the paper, there was no occasion to compromise the house ; let each member take six copies, — that would decide the business at once.<sup>15</sup>

**Mr. Cameron** said he was somewhat surprised to hear the hon. and learned member for Portneuf argue in the way he had done, upon questions which have been already decided in this house, and not upon the question then before them. For his own part, he was uniformly opposed to paying reporters ; he thought it would be better that each member should subscribe for a certain number of copies, as many or as few as he pleased, and pay for the same from his own private funds.<sup>16</sup>

**Mr. Neilson**... observed that as to giving the debates in full, he was very much afraid that such details were not altogether calculated to raise the wisdom of that house in the opinions of the people — There was a great deal said in it that would be much better forgotten as soon as possible. The principle thing for the country to know, was what they were *doing*, and not what they were *saying*.<sup>17</sup>

**Mr. Boswell** said he hoped the matter would be referred to a select committee.<sup>18</sup>

**Mr. Cartwright** said that he was opposed to paying reporters ; but he believed there was a great distinction between paying reporters, (and thereby giving to their reports the sanction of the house,) and taking a certain number of newspapers ; for the correctness of the debates in such case, the reporter would be himself responsible.<sup>19</sup>

**Captain Steele** rose and said that to him the question of facilitating the publication of the debates was of some consequence, representing as he did the backwoodsmen of the country, and he would be glad to see those hon. members of the frontier towns, to whom and to whose constituents it was of less consequence, give way to some motion which should enable those less favored than those hon. gentlemen to have the benefit of reading the proceedings and debates which occurred in that house.<sup>20</sup>

**Mr. Johnston** was desirous that the question might be postponed that they might ascertain the cost of these newspapers. He had no idea of lavishing the money of their constituents ; still, a work of this kind ought to be supported.<sup>21</sup>

**Mr. Viger** observed that it would be an extremely dangerous precedent.<sup>22</sup>

**Mr. Neilson** said he had read some of the debates as published in the Mirror of Parliament, and he noticed that they had been very fairly reported. The paper he thought should receive encouragement, but the better mode of ascertaining and deciding upon the question would be by referring the matter to a select committee.<sup>23</sup>

(72)

The question having been put upon the said motion, a division ensued, and it passed in the negative.

Subject of subscribing  
for News Papers  
referred to sel. Com.

**Mr. Simpson** moved, seconded by **Mr. Durand** — That the subject of the subscription of the House to the public Newspapers of the Province, be referred to a Committee of five Members, to report thereon, with all convenient speed ; with power to send for persons, papers, and records.



**Sir Allan MacNab** rose and said he hoped the motion would prevail. The conveniences for admitting the public to be present at the bar of the house were very limited, and he for one was very desirous that the fullest information should be conveyed to the country of the proceedings of that house. He thought it very desirable that the motion should be entertained.<sup>24</sup>

**Mr. Small**, took part in the discussion....<sup>25</sup>

**Mr. Draper** ... laid hold of the opportunity of newspapers, being before the house, to reflect in very strong terms upon an article, which he had read in one, designating it a foul and slanderous libel. The hon. gentleman alluded to the late trial for murder which took place at Toronto; connected with which, he observed, that the judge, jury, sheriff *cum multis aliis* had been blackened with the most envenomed slander. Most particularly would he stand up in defence of the honourable and unimpeachable character of the individual who filled the judicial chair on that awful occasion; who was as far exalted above the aspersions of such a wretch — as the author of it was debased beneath his notice.<sup>26</sup>

**Mr. Hincks** here rose, considering it a personal attack upon himself. The cries of question, and the confusion that here ensued, would have been very gratifying to Yankee taste. Mr. Hincks was totally unconscious how such an article had crept into the *Examiner*. It was merely by chance, quite casually, that it had met his eye. The hon. gentleman denied that he was in the habit of indulging in a vice so loathsome as detraction; and repudiated the idea of his being capable of wounding even the most delicate (sic) sensibility.... But, however, as to the libel, he would require proofs first before he acknowledged the force of such a stigma.<sup>27</sup>

**Mr. Hamilton** here moved an adjournment.<sup>28</sup>

**Mr. Draper** moved order — order.<sup>29</sup>

(72)

The question having been put upon the said motion, a division ensued and it was carried in the affirmative.

*Resolved* — Accordingly.

Committee formed.

*Ordered* — That Mr. Simpson, Mr. Aylwin, Mr. Parent, Mr. Prince, and Mr. Hincks, do compose the said committee.

Petition of Alpheus Todd, read.

Sir Allan MacNab, read in his place a petition of *Alpheus Todd*, of the City of Toronto, Deputy Librarian, to the late Provincial Assembly of *Upper Canada*.<sup>30</sup>

**Mr. Draper**, one of Her Majesty's Executive Council, for the Province of *Canada*, rose in his place and said — That he had been commanded by His Excellency, the Governor General, to acquaint the House that His Excellency will concur in such measures for the appropriating moneys to their contingent expenses, as the House may, during the present Session, deem necessary.

Petition of Alpheus Todd.

And then the said Petition was received, and read; setting forth: — That Petitioner, in his capacity of Deputy Librarian to the late Legislature of *Upper Canada*, having had continual evidence of the necessity which existed for the completion of a work on the practice and privilege of Parliament, to avoid the continual application to the

Journals of the Imperial Parliament and other Parliamentary authorities, otherwise indispensable, determined, in the Spring of 1839, to attempt, himself, the compilation of a work calculated to effect the desired object, — and having, from his connexion with the Parliamentary Library, ample resources within his reach, he devoted the whole of his time to the subject, and was enabled, by the next Session, to get his work in such a state of forwardness as to bring it under the notice of the House of Assembly, under the name of the "Practice and Privilege of the two Houses of Parliament" — it having previously received the full approbation of the Speaker.

That the work of petitioner was referred to a select committee, upon whose recommendation an order was passed to print 500 copies of the same; it having, upon examination, given them entire satisfaction, but the amount of remuneration to him was left for future consideration, a small sum only being awarded him to superintend the printing thereof.

(73)

That petitioner stated privately, at the time, to the Speaker and one of the members of the Committee, that the lowest sum he could name as remuneration for the work in question was £200, which would indeed barely compensate him for the time expended in its compilation, setting aside the labour, experience, and research which it required; petitioner, therefore, refers the matter to the consideration of the House, praying them to make such provision for his remuneration as they may think fit.

*Ordered*—That the said Petition do lie upon the table.

Mr. *Hamilton* moved, seconded by Mr. *Sherwood*, that the House do now adjourn.

The question having been put upon the said motion, a division ensued and it passed in the negative.

Alien's Estate Bill  
read.

*Ordered*—That Mr. *Prince* have leave to bring in a Bill to enable Aliens to hold real Estate in this Province.

He accordingly presented the said Bill in the House, and the same was received and read for the first time.

*Ordered*—That the said Bill be read a second time this day week.

Order of the day for  
ballotting Committee  
to nominate standing  
Committees  
postponed.

The Order of the day, for the House to proceed to the Ballot of Members, for a Committee to nominate the Standing Committees of this House being read,

Mr. *Draper* addressed the house with the view of the introduction of such a measure being allowed to ministers. In connection with the subject, the hon. and learned Att'y General briefly reviewed British practice with respect to such committees. In the House of Commons he said there were only 7 sessional committees: — 1. On expiring laws. 3 & 4. Committees of supply — ways and means. 5. On private bills. 6. Standing orders. 7. Public petitions. Of other committees that he would not include within the seven — were committee on religion, now obsolete — committee on grievances — committee of justice, similar to Sir R. Peel's version of the criminal code; and a committee on trade. (sic) sometimes moved by the ministers, sometimes by the house. Mr. *Draper* concluded by suggesting, whether it would not be better to refer the matter to a committee to report thereon.<sup>31</sup>

Mr. *Neilson* did not think that there was the slightest cause for alarm as to the working the committees — they would only facilitate the business of the house.<sup>32</sup>

Mr. *Morin* was of the same opinion.<sup>33</sup>

Both Mr. *Baldwin* and *Moffatt* knowing the responsibility that ministers had taken upon themselves, expressed a desire that they might have fair play in their endeavours to carry out the principle.<sup>34</sup>

(73)

Heir and Devisee  
bill read second time.

*Ordered*—That the said Order of the day be postponed until to-morrow, and that it be the first Order of the day.

An engrossed Bill, from the Legislative Council, entitled, "*An Act to alter for a limited period the place of sitting of the Heir and Devisee Commission of the late Province of Upper Canada, and for other purposes therein mentioned,*" was, according to order, read a second time.

On motion of Mr. Attorney General *Draper*, seconded by the Honourable Mr. *Viger*,

*Ordered* — That the said Bill be referred to a Committee of the whole House, to-morrow.

On motion of Mr. *Boswell*, seconded by Mr. *Thorburn*,  
The House adjourned.

#### Appendix, 24 June 1841.

##### ((Petitions Presented.))

Mr. *Small* presented a petition praying that His Excellency the Governor General would take such steps as were necessary for the suppression of Orange Lodges.<sup>35</sup>

A petition was presented by Mr. *Merritt* for reducing the fines imposed by the militia laws of Upper Canada.<sup>36</sup>

Mr. *Durand* brought up a petition from certain individuals forming a joint stock company to make a macadamized road from Dundas up the mountain. Some demur was made to it, but the hon. member supported the prayer, as of essential public utility. A committee was then appointed.<sup>37</sup>

Mr. *Baldwin* presented a petition from Mathew Rorke and others. (The purport of this petition we did not understand.)<sup>38</sup>

##### ((Notice for Committee on Election Laws of Lower Canada.))

Mr. *Neilson* gave notice, that on Friday next he would move for a committee of the whole House on the Election Laws of Lower Canada.<sup>39</sup>

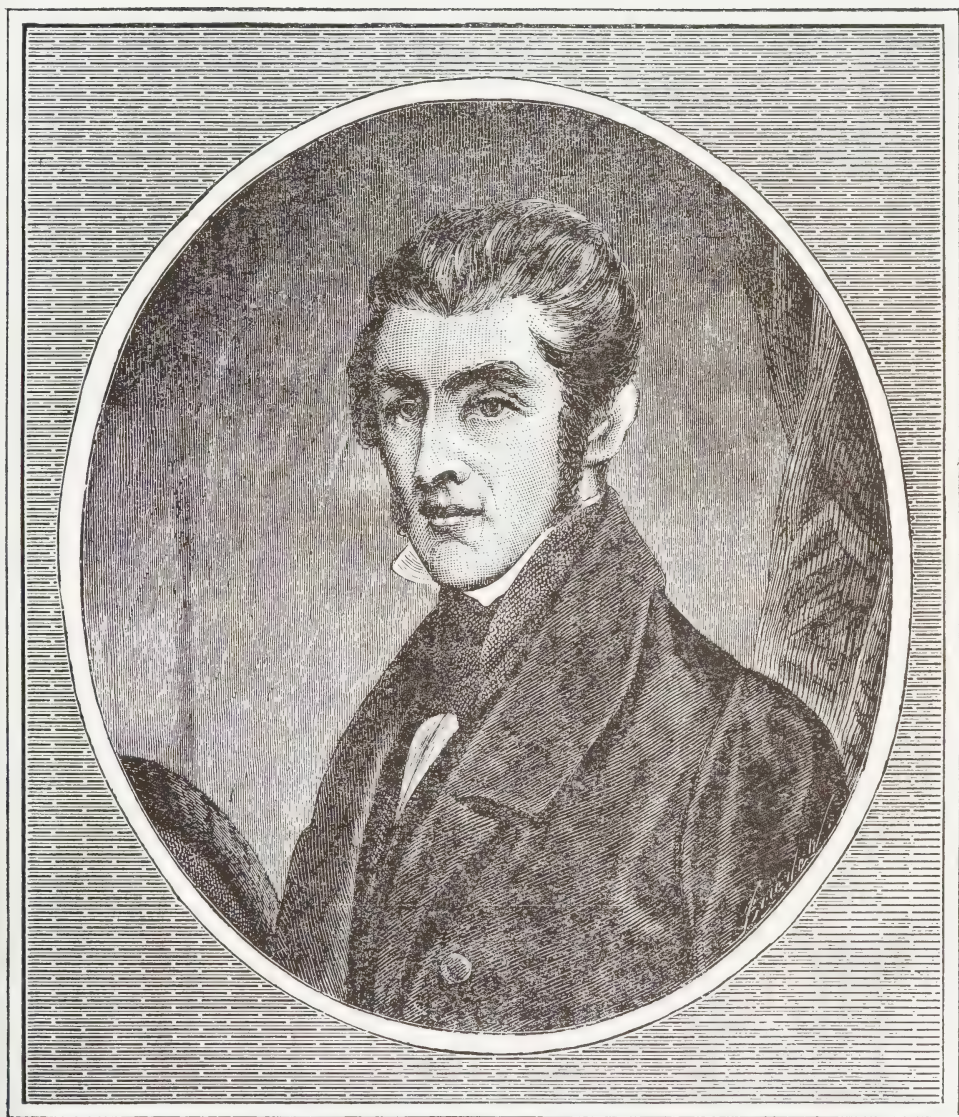
Mr. *Thorburn* would suggest the appointment of a select committee to inform the House what were the laws of Lower Canada. It would prevent much misapprehension.<sup>40</sup>

#### Footnotes — 24 June 1841.

1. BRITISH COLONIST, 30 June 1841, cited by ST. CATHARINES JOURNAL, 8 July 1841.
2. IBID.
3. IBID.
4. IBID.
5. IBID.
6. The discussion arising from the presentation of this resolution was reported in: BRITISH COLONIST, 30 June 1841; KINGSTON CHRONICLE, 30 June 1841; ST. CATHARINES JOURNAL, 8 July 1841 citing BRITISH COLONIST, 30 June 1841; LE CANADIEN, 5 July 1841; WESTERN HERALD, 16 July 1841 citing NIAGARA CHRONICLE.
7. BRITISH COLONIST, 30 June 1841.
8. IBID.
9. KINGSTON CHRONICLE, 30 June 1841.
10. BRITISH COLONIST, 30 June 1841.
11. KINGSTON CHRONICLE, 30 June 1841.
12. IBID.
13. IBID.
14. IBID.
15. BRITISH COLONIST, 30 June 1841.
16. KINGSTON CHRONICLE, 30 June 1841.
17. BRITISH COLONIST, 30 June 1841.
18. KINGSTON CHRONICLE, 30 June 1841.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. BRITISH COLONIST, 30 June 1841.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID. "Sir A. N. Macnab at length the attention of the chair, and presented the petition of Alpheus Tod..."
31. IBID.
32. IBID.



33. IBID.
34. IBID.
35. IBID.
36. IBID.
37. IBID. See also page 33 for another reference to this petition.
38. KINGSTON CHRONICLE, 26 June 1841.
39. IBID.
40. IBID.



LORD SYDENHAM

**Friday, 25 June 1841.**

Petition from divers  
Inhabitants of Saint  
Eustache praying re-  
lief from the burning  
of their Church.

(73)

A Petition of divers Inhabitants of the Parish of *St. Eustache*, was presented to the House by Mr. *Neilson*, and the same was received and read; setting forth: — That during the rebellion of 1837, Her Majesty's troops considered it necessary to destroy, by fire, among other edifices, the Parish Church and Convent of *St. Eustache*; that the band of unlawfully armed men who took possession of the village and brought on this catastrophe were, with very few exceptions, all from the adjacent Parishes — petitioners therefore consider it very hard that they should be so severely punished for the act of others, over which they had no controul. That an estimate of the value of the edifices destroyed was laid before the Commissioners appointed to investigate such claims, and the Government Appraiser subsequently examined the value of said buildings, but petitioners having obtained no relief, conclude the Report of the Commissioners to have been unfavorable.

That in consequence of the failure of the wheat crops for some years past, which has tended to impoverish the inhabitants, petitioners

(74)

find themselves unable, without Legislative aid, to rebuild the Temple in which they were in the habit of worshipping their God, and the Convent destined for the education of their children; they therefore pray the House to take their petition into its favorable consideration.

*Ordered* — That the said Petition do lie upon the table.

Petition divers  
inhabitants of Lower  
Canada, complaining  
of ordinances passed  
by special council.

A Petition of divers inhabitants of the late Province of *Lower Canada*, was presented to the House by Mr. *Neilson*, and the same was received and read, setting forth: (See Petition of Inhabitants of *Port Neuf*, Page 55.)

Report on sites of  
Light houses to be  
erected on St. Paul's  
and Scattarie Islands,  
presented.

Mr. *Morin* presented to the House the Report of the Commissioner appointed to determine upon the sites of the Light Houses to be erected on *St. Pauls* and *Scattarie* Islands, and to apportion the money necessary for their future maintenance.

For the said Report, see Appendix (A.)

Bank statements to be  
laid before the House.

On motion of Mr. *Morris*, seconded by Mr. *Buchanan*,

*Ordered* — That the officers connected with the several chartered Banks of the Province be respectively directed to lay before this House the statement of the affairs of the said Banks as required by the Acts of Incorporation.

First report of  
printing committee  
presented.

Mr. *Morris*, from the Standing Committee appointed to superintend the Printing of the House, during the Session, presented to the House the first Report of the said Committee; which was again read at the Clerk's table, as followeth: —

"Your Committee beg leave to recommend to your Honourable House to adopt the Journals of the last Parliament of the late Province of *Upper Canada*, as model for the printing of the Journals of the Legislative Assembly of this Province."<sup>1</sup>

*Resolved* — That this House doth concur with the Committee in the said Report.



Petition of the  
Montreal Ladies  
Benevolent Institu-  
tion, praying to be  
incorporated.

A Petition of the Members of the "Montreal Ladies' Benevolent Institution" was presented to the House by the Honourable Mr. *Moffatt*, and the same was received and read, setting forth : — That said Institution was originally established in the year 1832, at the City of *Montreal*, for the relief and support of the widows and orphans of sufferers from the Cholera which had raged in that City, and was afterwards extended to embrace all destitute and friendless widows and orphans.

That the Institution has been supported by voluntary contributions, assisted by the liberality of the Legislature, and has lately extended its sphere of usefulness by giving moral and religious instruction to dependents upon the charity.

That the advantages derived from the Institution would be greatly increased and confirmed by the incorporation of its members, with power to hold real property, to a limited amount.

Wherefore petitioners pray that a law may be passed to incorporate said society upon such terms and conditions as the House may be pleased to direct.

*Ordered* — That the said Petition do lie upon the table.

Petition of divers  
inhabitants of the  
Seignory of Faucault,  
praying for relief  
from the destruction  
of their property by  
Rebels, Refugees,  
and American  
Bandits.

A Petition of divers Inhabitants of the Seignory of *Foucault*, was presented to the House by Mr. *De Salaberry*, and the same was received and read, setting forth : — That on the night of 30th December, 1838, (while some of petitioners were absent from home on military duty) a large body of rebels, refugees, and American bandits, under command of *Jas. W. Grogan*, a refugee, entered the Province from *Vermont*, at *Beach Ridge*, and driving several families from their beds, on that inclement night, destroyed by fire the dwellings of some petitioners,

(75)

with their contents of furniture, clothing, and Provisions, together with their barns, stables, farm-sheds, and out buildings, and their contents, of grain, hay, cattle, &c.

That a few days afterwards the amount of losses was appraised on the spot, under oath, by Messrs. *Leclerc* and *Delisle*, of the *Montreal* Police, and the case was laid before the Commission of Indemnity, which however was dissolved for want of funds, without having reported on the claims of petitioners.

That petitioners, mostly having large families, are greatly impoverished by these losses, and therefore pray the House, with the concurrence of the others Branches of the Legislature, to grant them such relief as loyal British subjects who have suffered for their Country have ever expected and found at the hands of a Government every where honored for its justice and liberality.

*Ordered* — That the said petition do lie upon the table.

Petition of  
A. Vosburg and  
others praying  
same as last petition.

A petition of *Abraham Vosburgh*, *Peter Vosburgh*, and *Ann Vosburgh*, of *Caldwell* manor, in the District of *Montreal*, was presented to the House by Mr. *De Salaberry*, and the same was received and read ; setting forth : — That on the morning of 3rd February, 1841, while yet dark, their house was surrounded and violently entered by a party of rebels and brigands from the *United States*, who, after dangerously wounding, with sabres and bayonets, the two first named petitioners, pillaged and set fire to the house, and burned the barns and sheds with their contents and a valuable stock of horses and farm cattle. That a full detail of the outrage was laid before the Commission of Indemnity from whom petitioners received repeated assurances of remuneration, which, however, from want of funds, was never made.

That the amount of losses sustained by petitioners as appraised and duly attested (exclusive of their long confinement and expense of

medical attendance) was, £368 6s. 2d. ; viz. *Abraham Vosburgh*, £299 13s. 2d. ; *Peter Vosburgh*, £64 15s. 0d. ; and *Ann Vosburgh*, £3 18s. 0d.

Petitions therefore pray the House, in concurrence with the other Branches of the Legislature, to grant them such indemnity as in their wisdom shall seem just.

*Ordered* — That the said Petition do lie upon the table.

Petition of divers  
Militiamen & others,  
of the County of  
Saguenay.

A petition of divers Militiamen and other Inhabitants of the County of *Saguenay*, was presented to the House by Mr. *Parent*, and the same was received and read ; setting forth : — That the population of the parishes inhabited by petitioners has increased beyond the number which the produce of the land can maintain.

That the subdivision of these lands among the heirs of the original grantees (contrary to the spirit of the law of the Country, which condemns this pernicious system) is the cause of the common distress, because petitioners cannot form settlements upon the barren mountains which bound them on every side.

That the Legislature of the late Province of *Lower Canada*, caused the uncultivated lands called “the King’s Posts” to be explored by Commissions with the view of affording an outlet to the superabundant population of the County, and that favorable reports of the climate and soil thereof were made to the House of Assembly.

That petitioners have for a long time past been waiting for the expiration of the lease of the territory in question to the Hudson’s Bay Company, in order to petition that the lands may be granted, upon suitable terms, to themselves.

That during the last 3 or 4 years seven or eight hundred persons have been employed by certain mercantile houses in cutting timber on these lands for exportation, without having the power of permanently settling thereon.

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That if these lands were thrown open to the agricultural population they would be sufficient for the maintenance of an immense number of persons, it having been ascertained that every kind of grain will readily grow there.

Petitioners, therefore, being anxious to settle in the neighbourhood of Shiuritimish, pray that at the expiration of the lease to the H. B. Compy. in 1842, it may not be renewed, but that the land be divided into townships, and sold as other Crown Lands, and that is many of petitioners as hold scrip be allowed to take lands there to the amount of it, and those who have no scrip be allowed to purchase.

*Ordered* — That the said petition do lie upon the table.

A further petition  
from the inhabitants  
of Saguenay, praying  
that the County may  
be exempted from the  
Ordinances respecting  
winter carriages and  
the erection of  
Court Houses.

A petition of divers Inhabitants of the County of *Saguenay*, was presented to the House by Mr. *Parent*, and the same was received and read ; setting forth : — That the winter carriages, generally used in the said County to convey heavy loads are flat trains, which are less likely than others to form *cahots*.

That the communication with the upper parts of the Province in winter is very small, and principally confined to the conveyance of persons in carriages very lightly laden.

That the mountainous nature of the Country would render the use of carriages and harness different from those now used very inconvenient and even dangerous, — besides that being obliged to provide themselves with a new set of winter carriages would be a heavy burthen on the inhabitants, afflicted as they have recently been with several years of agricultural distress.

That from the isolated position of the County it must necessarily form, by itself, one of the Judicial Districts contemplated by the Or-

dinance passed in the fourth year of Her Majesty's Reign, relative to the administration of Justice, — and be subject to the operation of the Ordinance, passed in the same year, providing for the erection of a Court House and Gaol in each such District, — the expense of repairing and maintaining the same, and supporting the prisoners, with other incidental expenses, insuring and furnishing the buildings, and paying the salaries of a surgeon and gaoler, falling on each such District respectively.

That these expenses would be far too heavy for a County like that of *Saguenay*, containing a population of only 8385 souls, especially as this County is more exposed than any other to the effects of a rigorous climate, which frequently causes agricultural distress, — the mountainous nature of the Country also requiring a great amount of labor on the roads, to which may be added the increased expense of elementary schools in consequence of the distance between the dwellings and the difficulty of communication.

That the morality, for which the people of the County are remarkable, renders the above costly establishments unnecessary, and their surplus means would be much better employed in advancing Education and local improvements.

Wherefore petitioners humbly pray that the County of *Saguenay* may be exempted, at least for the present, from the operation of the said Ordinances, respecting winter carriages and the erection of Court Houses; and also that the House will take into consideration the subject of the "King's Posts" which formerly occupied the attention of the Assembly of *Lower Canada*, that a more advantageous outlet may be afforded for their superabundant population.

*Ordered* — That the said Petition do lie upon the table.

Further petition from the inhabitants of *Saguenay* praying that the parish of *Les*

A Petition of *Michel Desgagnés, Joseph Perron*, and other inhabitants of the county of *Saguenay*, was presented to the House by *Mr. Parent*, and the same was received and read; setting forth: — That

Eboulements may be established as the polling place (sic) for the County.

(77)

the inhabitants of said county were put to great inconvenience by having to travel from one extremity of the county to the other to exercise their electoral rights, the polling place having been fixed in the Parish of *St. Etienne de la Malbaie*.

That the situation of the Parish of *Les Eboulements* is more central, and being, not like *Malbaie* or *St. Paul's Bay*, the centre of a Commercial community, but inhabited by a purely agricultural population, tranquillity would be more readily preserved, — therefore petitioners pray that it may be established as the polling place for the county.

*Ordered* — That the said Petition do lie upon the table.

Petition of Masters and Owners of British Ships trading to the Port of Quebec, and of Sunday Pilots, praying for the erection of a Light House on the Island of *Bicquet*.

A Petition of the Masters and Owners of British Ships, trading to the Port of *Quebec*, and of the Pilots of the River *St. Lawrence*, was presented to the House by *Mr. Black*, and the same was received and read; setting forth: — That there is no spot on the *St. Lawrence* more appropriate (in their opinion) for the establishment of a Light House than the Island of *Bicquet*, as it frequently happens that vessels running up in a dark night give to that Island so wide a birth that the North Shore of *Portneuf* or *Mille Roches* brings them up. Vessels navigating the *St. Lawrence* being often at a loss, from the narrowness of the Channel and strength of the current, which course to steer to a place of safety, a light upon *Bicquet* Island would enable them to direct their course towards *Green* Island.

That to vessels bound downward in the Fall of the year this light would be very serviceable, enabling them, when caught by an Easterly wind to take shelter under this Island till morning.



Petitioners therefore pray that, in as much as this proposition is the result of practical experience, the House will pursue such measures in the case as in its wisdom may be deemed expedient.

*Ordered* — That the said Petition do lie upon the table.

Petition of Alphonse Wells, Esquire, complaining of late Election in the County of Shefford.

A Petition of *Alphonse Wells*, Esq., was presented to the House by Mr. *Black*, and the same was received, and read; setting forth: — That at the late election for the county of *Shefford*, petitioner and Doctor *S. Sewell Foster*, were the only candidates.

That during the course and progress of the said election the said *S. Sewell Foster* used divers illegal and unjustifiable means to obtain an apparent nominal majority, but that, in point of fact, petitioner obtained and had a considerable majority of legally qualified electors.

That in consequence of bribery, gifts, promises, and other corrupt inducements contrary to law, resorted to on the part of the said *S. Sewell Foster*, many persons were induced to, and did, vote for him at the said election.

That a large number of the persons who voted for the said *S. Sewell Foster*, at the said election, were not possessed of the requisite qualification in point of property to enable them so to vote, and in fact were wholly destitute of any real estate whatsoever in the said county.

That the said *S. Sewell Foster* himself is not qualified according to law, and did not before, at, during, or since the said election, hold or possess property, being unencumbered, with real estate, as required by the provisions of the Imperial Statute in such case made and provided; and that this fact being then, as it now is, notorious, the said *S. Sewell Foster* then was, and now is, incapable of being elected; — and petitioner prays the House to obtain a description of the property (if any) on which the said *S. Sewell Foster*, pretends to be qualified, relative to which petitioner alleges that he will, by the most ample and incontrovertible proof, establish that the said *S. Sewell Foster* was then, as he now is, incapable of being elected.

(78)

That on each of these grounds the said *S. Sewell Foster* could not be elected, and that the return of the Returning Officer whereby he has declared the said *S. Sewell Foster* duly elected, is consequently illegal and void.

Wherefore petitioner humbly prays that it may please this House to set aside and annul the said return of the said Returning Officer, as well as the return and election of the said *S. Sewell Foster*, and to declare that petitioner has been duly elected.

*Ordered* — That the said petition do lie upon the table.

The Honourable *J. H. Dunn*, Receiver General of the Province, and one of Her Majesty's Executive Council, laid before the House, by Command of His Excellency, the Governor General, a Schedule of Government Debentures, redeemed and out-standing, issued under authority of Acts of the Provincial Legislature, exhibiting the Public debt of United Canada.

For the said Schedule see Appendix (B.)

*Ordered* — That two hundred copies of the said schedule be printed, in the French and English Languages, for the use of the members of this House.

200 copies of Schedule of Debentures to be printed.

Sel. Committee appointed to enquire and report on Clerk's Office.

*Resolved* — That a Committee of seven members be appointed to enquire what assistance it will be necessary to afford to the Clerk and what Officers and departments it will be expedient to establish for the effective and orderly conduct of the business of this House; what remuneration ought to be given to the officers and persons to be employed in the said offices, and departments; and what rules and regulations it may be desirable to adopt for their Government; that the said Committee be empowered to recommend by whom the offices which they

may find necessary, should respectively be filled, and be instructed in so doing to take into consideration the claims abilities and fitness of the several officers and servants of the late House of Assembly of *Lower Canada* and of *Upper Canada*, who may be willing to enter the service of this House, and to report on the whole with all convenient speed; with power to send for persons, papers, and records.

Committee formed.

*Ordered* — That Sir *Allan MacNab*, Mr. *Morin*, Mr. *Small*, Mr. *Taschereau*, the Honourable Mr. *Dunn*, M. *Durand*, and Mr. *Black*, do compose the said Committee.

House will adjourn until Monday when it adjourns.

Mr. *Simpson* moved, seconded by Sir *Allan MacNab*, that when this House doth adjourn, it will adjourn until *Monday* next.

Mr. *Hale* opposed the motion; — for one reason, because he had been given to understand that to-morrow, (Saturday) was the last day of presenting petitions; — another reason because they could not afford to spare the time, and a third, because he did not see what hon. members wanted with a day of idleness.<sup>2</sup>

Col. *Prince* disposed of these objections in a few words. The hon. member said that as to its being a day of idleness, he had no doubt but to many hon. gentlemen, it would be a day of diligence and attention to those affairs both public and private, for which, he considered one day in the week free from Parliamentary attendance, as absolutely necessary. That altho' the hon. member for Sherbrooke might be at a loss how to dispose of himself, when he was not sitting in that house, he did not apprehend that this was an embarrassment that would press heavily on all hon. gentlemen. For his own part he (Col. P.) had brought such a store of occupation in his carpet bag, as precluded him, from the most distant hope of indulging in the culpability of a lounge these three months.<sup>3</sup>

Mr. *Small* opposed the motion. He had also heard that, to-morrow (Saturday), would be the last day for receiving petitions; and as he understood that one was to be presented against his return, he was desirous on his part, of presenting a counter one.<sup>4</sup>

Mr. *Draper* here made a suggestion, which appeared satisfactory; as removing the difficulty.<sup>5</sup>

Mr. *Johnston* then rose, and in his own rich and humorous style, remarked, that from a paper which he held in his hand, he perceived there were twenty-seven lawyers in the house; the whole of whom like the hon. member for Essex, he had no doubt, had also their carpet bags full.<sup>6</sup>

Mr. *Ogden* supported the motion. He would not allude to such an absurdity as idleness. From the responsibility devolving upon ministers, it was imperative, that time should be given them, to prepare their measures. How was this to be effected if every day, was to be occupied unremittingly within the walls of that house?<sup>7</sup>

(78)

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative and ordered accordingly.

Petition of P. V. Verhoeff, and others, referred to Sel. Committee.

*Resolved* — That the petition of *P. Frederick Verhoeff*, *Lewis Davenport* and others, presented to the House on the eighteenth instant, be referred to a Committee of five members, to examine the contents thereof, and to report thereon, with all convenient speed; with power to send for persons, papers, and records.

Committee formed.

*Ordered* — That Mr. *Prince*, Mr. *Baldwin*, Mr. Attorney General *Ogden*, Mr. *Boswell*, and Mr. *Thorburn*, do compose the said committee.

Petition of John C. Moulton referred.

*Ordered* — That the petition of *John C. Moulton*, of the Township of *York*, presented to the House on the *Twenty-first* instant, be referred to the said Committee.

List of Standing and Select Committees to be put up.

*Ordered* — That the Clerk of this House be required to cause to be placed in some conspicuous place within this House a list of the several Standing and Select Committees, as appointed from time to time.

Petition from Bible  
Society of Montreal.

(79)

A Petition of the Auxiliary Bible Society, of *Montreal*, was presented to the House by Mr. *Holmes*, and the same was received and read ; setting forth : — That said society was instituted in 1819, as an Auxiliary to the British and Foreign Bible Society in *London*, and has, since that time, been occupied in extensively circulating the Scriptures throughout *Lower Canada*, chiefly among the poorer classes, at a considerable pecuniary loss, which has partly been sustained by voluntary contributions and partly by the British and Foreign Bible Society.

That the Society has been considerably aided by the remission, hitherto, of the duties on the books imported by them ; but that this aid has latterly been refused, on the ground of the inability of the Governor General to grant it, the Society being recommended, at the same time to apply to the Legislature.

Wherefore petitioners pray that the above immunity may be continued to said Society, and a law be passed to exempt from duties all Bibles and Testaments imported into the Province, as is the case in *Nova Scotia* and *New Brunswick* ; — and petitioners state further that the British and Foreign Bible Society in *London* has the privilege of importing all copies of the Scriptures free of duty. They also pray that the duties paid by them during the past year may be returned, as an essential service would thereby be rendered to the said Society.

Some allusion having been made to the United States, the hon. member ((Mr. *Holmes*)) said the petition intended to bear upon those imported from England.<sup>8</sup>

(79)

*Ordered* — That the said petition do lie upon the table.

**Sir A. MacNab** said, that having discharged his duty with regard to the Kent Election, — if Mr. Woods who was now in the house, wished to prosecute the matter further, — he was there to give the house, if it was regular, a full statement of all particulars.<sup>9</sup>

**Mr. Woods** expressed his readiness to do so, but it was overruled, as being out of order.<sup>10</sup>

(79)

Order of the day  
for balloting a Com-  
mittee to nominate  
Standing Committees,  
discharged.

The order of the day for the House to proceed to the Ballot of Members for a Committee to nominate the Standing Committees of this House, being read,

Mr Attorney General *Ogden* moved, seconded by Mr. *Simpson*, that the said order of the day be discharged.<sup>11</sup>

Upon making this motion the hon. member ((Mr. *Ogden*)) observed that he looked upon the appointment of standing committees as an absolute departure from the practice of what that house chose to call responsible government. (Hear.)<sup>12</sup> Committees of privileges, and contingencies, ministers did not object to, — but, if they were to carry out the principles of responsible government ; he contended that the important objects of trade and commerce, should be submitted to them —<sup>13</sup> Here Mr. *Ogden* enumerated the various objects for which it had been proposed that these committees should be appointed, and remarked that, with one or two exceptions, these were subjects for the especial (sic) consideration of the government, and ought to be submitted to that house by the ministers of the crown. Were it otherwise, the responsibility attached to power would be taken out of their hands, and placed in the hands of certain members to be named by the house itself. He would maintain that if they were to have the responsibility, the power must rest with them also ; and, consequently, the power of deciding upon the nature and character of those measures of public utility which it was their peculiar duty to introduce to the house, and upon those measures the house would be entitled to pronounce judgment (sic), and upon that division would the standing of the advisers of His Excellency be determined. (Hear, hear.) Hard indeed would be the case if they were to sit in that house as responsible servants of the crown, if the conducting the public business were to devolve on others than themselves. They were by no means desirous of taking from that house the privilege of amending all measures which came before them to that extent to which the ministers of



the crown could coincide with them ; and whenever they go beyond that, upon those measures of public utility which it would be the duty of ministers to introduce, then would there be a collision between that house and those ministers, and then it would become their duty to make room for others who might possess the confidence of the house. (Hear, hear.) As responsibility had had been asked for according to the principles of the British constitution, the house should at least be willing to allow them the privileges enjoyed by the English ministry, of proposing those measures to which he had already referred.<sup>14</sup> If the hon. member for Lincoln, was so desirous to have British practice, he (Mr. Ogden) should like to have it shown, that the House of Commons and not the ministers conducted the affairs of the country.<sup>15</sup>

He felt satisfied that the house would accede to this proposition, and not fly in the face of the established practice in this respect. In a neighbouring country, where the government was not represented in the legislature by its officers, he was aware that the practice is different. There, however, the advisers of the Government are placed in office for the term of four years, but here the officers of government may not be in office four months. (Hear, hear.) They are liable to be removed by a breath from the majority of that house. Let us, therefore, have a fair trial. Let the new system be put in practice, and see how it will operate. (Hear, hear.) The sooner it is decided the better. As a humble servant of the majority he stood prepared to carry it out. (Hear, hear, hear.)<sup>16</sup>

**Mr. Thorburn** said he perfectly concurred in what had fallen from the hon. gentleman — that, as the officers of the Government were fully determined to act in accordance with the wishes of the house, and to become answerable to the crown and to the country, they should be permitted the privilege of originating those measures which, by the practice in England, ministers were entitled to introduce. The hon. gentlemen who occupied the treasury benches would not find him disposed to throw even a straw in their way.<sup>17</sup>

**Mr. Durand** said from what had fallen from the hon. and learned gentleman, the Attorney General, he would suppose that it is his intention to monopolise the whole business of the house. If this was going to be the case, he was convinced that the system of responsible government would not work well.<sup>18</sup>

**Mr. Johnston** raised a laugh, ... by asking the occupants of the treasury benches if they would risk their *reputation* upon those measures which they themselves introduce !<sup>19</sup> Mr. Johnson ... begged leave to ask of the hon. member of Halton, whether he thought that ministers would be rash enough, to take upon themselves the responsibility of any measures, that he had anything to do with ? (a laugh).<sup>20</sup>

**Mr. Small** said he certainly concurred in what had fallen from the learned Attorney General ; and he would also congratulate the country on the declaration which had been made, that responsible government is, at length, conceded to us by the Imperial Parliament, and he thought the house ought not to relieve the officers of the government from that responsibility under which they profess to be, by interfering with the management of those matters, which they claim the right of introducing to the house.<sup>21</sup>

**Mr. Roblin** said he was perfectly aware that difficulties would arise during the session under the new system. The hon. gentlemen on the treasury benches had undertaken more than they were able to perform ; but he hoped that during the recess they would prepare those measures which were necessary against the next meeting of parliament. For his own part, there were some particular measures which he was desirous of bringing before the house ; and if those gentlemen omitted to bring them forward at a proper time, he (Mr. Roblin) would certainly not be deterred from bringing them before the house without waiting for the assistance of those hon. gentlemen. Perhaps the hon. member for Halton (Mr. Durand), might get some of his measures tripped up in this way. (A laugh).<sup>22</sup>

**Mr. Morin** rose and said, that had he thought that any embarrassment would be experienced by the officers of the government in consequence of the adoption of the motion for the appointment of standing committees, he (Mr. Morin) would certainly have opposed that motion, because he wished that a fair trial should be afforded to those gentlemen to carry out the new system ; but he did not think the committees would impede them in any way. He considered the existence of committees absolutely necessary to the proper transacting of the business of the house. Matters frequently arise which require the examination of papers and evidence which cannot conveniently be done in committee of the whole house. When the reports of such standing committee(s) are brought before the house, and they are found not to meet the

views of those hon. gentlemen who constitute the ministry, they are at liberty to move that the sense of the house be taken upon them; and they cannot, therefore, be in any way discharged from their responsibility. He could not discover any embarrassment to be apprehended in the plan proposed of establishing standing committees.<sup>23</sup>

**Mr. Boswell** said he could not take the same view of the matter which the hon. gentleman who had preceded him had done. His own conviction was that the government would be exceedingly embarrassed by appointment of those committees. With reference to the advantages to be derived from proceeding in that way he would ask, were they not perfectly safe in following the course adopted in the Imperial Parliament in matters of this description? Admitting that these committees were formed, their duty would be merely to report upon those matters which might be referred to them for consideration, well, on the other hand, all these matters have, previous to the sitting of the legislature, been considered by Her Majesty's government, and the officers of that government will be prepared to submit measures to this house upon all subjects of essential importance; then here we are met by another measure proceeding from some one of the committees. But hon. gentlemen may say the measures coming from her Majesty's government may be submitted to the committee also. The answer to this is, that those measures will have been sufficiently digested if laid before her Majesty's Council previous to their being brought into this house. Sir, this system if carried out, is not a desirable one, and if we are to embrace this course, in the manner spoken of, it will lead to serious difficulties. Sir, the course adopted by the government, as I understand it, is this; certain individuals supposed to have the confidence of the country, are called to the Council of the Governor General; they are then to show that they do possess the confidence of the country by obtaining seats in the house; they have then to show still more strongly that they continue to possess that confidence by carrying with them in their measures generally the voice of this house. Can there be any danger, therefore, in entrusting to their consideration all matters which are to come before this house? The hon. gentleman then proceeded to point out the course pursued in the Imperial Parliament, and continued to observe that it would be interfering with that responsibility which they were desirous of placing upon the ministers of the Crown, because those hon. gentlemen would be able to avail themselves of the labours of the committees, and to throw upon them the chief burthen of responsibility.<sup>24</sup>

**Mr. Baldwin** then rose and said that he certainly was much gratified at hearing the remarks which had fallen from the learned Attorney General (Ogden;) but he did not think that the gentlemen upon the treasury benches had yet fully explained the intentions of the government with regard to the precise policy which they intended to pursue. He (Mr. Baldwin) was averse to offering any embarrassment to those hon. gentlemen, but he could not understand how the appointment of these committees could interfere with them in the smallest degree.<sup>25</sup>

**Mr. Draper** objected to the original motion, upon the same grounds as already had been stated by the hon. and learned gentleman on a previous discussion. He again remarked, that the business of the house would be pre-engrossed by the standing committees, without waiting until himself and his colleagues, had been able to prepare for it.<sup>26</sup>

**Mr. Viger** opposed the government.<sup>27</sup> ((He)) said it appeared to him that although they had treasury benches it was doubtful whether they had a treasury at all. (Hear, hear.) As to the appointment of the committees, it would not have the effect of taking from the occupants of those treasury benches (without a treasury) the power of bringing forward any measure which might be deemed desirable to be introduced by the officers of the government. As regards embarrassment he thought that house would find itself embarrassed when petitions were presented upon various subjects which might require particular investigation and there was no committee in existence to whom those petitions might be referred. Besides those hon. gentlemen tell us that their time is taken up with public business already, why then do they wish to burthen themselves with the introduction of all bills which it might be necessary to be taken into consideration? Who had ever heard before that hon. members of that house had not the right of introducing such measures as they considered necessary for the benefit of the public. The comparison which was to be drawn between the working of the British Constitution, and of the principles of government acted upon in this colony, did not seem to him well founded. In England they have a constitutional government which is well defined and perfectly applicable to the state of that extensive empire. They have municipal government which is the school of self government; the whole machinery of government there is like a clock which requires repairs and regulating occasionally, but never ceases to move altogether. In this new country,



on the contrary, the wants are innumerable ; new cases continually arise for adjustment, and a great deal of mechanical art is still necessary to produce perfect harmony in the heterogeneous materials of which the machinery is composed. (Hear, hear.)<sup>28</sup>

**Mr. Hincks** said he regretted exceedingly that he was obliged to differ from several hon. gentlemen on this side of the house, but he felt it to be his duty to vote for the motion of the learned Attorney General. If he had entertained any doubts upon the subject those doubts would have been removed by the speech of the hon. member for Nicolet. He (Mr. Hincks) did not desire that the responsibility should be removed from those hon. gentlemen who represent the government, and he looked upon standing committees as a standing screen for the government.<sup>29</sup>

**Mr. Moffatt** contended, that the house having already adopted the principle of the motion, if it was pressed the time had now gone by to oppose it. But it was not his desire to avail himself of this advantage. He could not see thro' this system of responsible government. To him, it was shrouded in mystery and darkness ; — and if his words, were deserving of the remembrance of that house, he seriously apprehended, that it was a system, that must perish in confusion, and compel the government by its failure, to retrace its steps. With a firm opinion, that it would simplify the business of the house, he had brought forward his motion ; and altho' it had been argued, that it would tend to embarrass (sic) the affairs of the country, with all due deference to those opinions, his own was still unchanged.<sup>30</sup>

With reference to the standing Committees, it had been the practice in Lower Canada, and if there could be any improvement on the practice of England, we ought not to oppose it, even though it should be the practice of the United States. We ought to accept of any thing that would be an advantage. He could not believe that it was advisable to refer three of four (sic) hundred petitions to as many Select Committees.<sup>31</sup>

**Mr. Aylwin** said if he had imagined that the proposition of the hon. gentleman from Montreal, would tend in any degree to interfere with the proceedings of the Officers of the Crown, in carrying on their share of the business of the Session, he would certainly have been opposed to its adoption, but he thought it was rather calculated to facilitate than impede the business. As to the objects which they had in view no man could convince him that those gentlemen, who occupy the treasury benches, believe in Responsible Government. He could plainly discover in the countenances of those gentlemen, that they do not believe in it ; no man in the House had less confidence in the working of the new system of Responsible Government than that hon. gentleman. (Hear, hear.) He had no inclination to accede to the demands of those hon. gentlemen, unless it was likely to produce some good result, and that he feared could scarcely be expected in this instance. He did not think the business of the House should be directed altogether by those hon. gentlemen, while they were disinclined to carry out the principle of responsibility. He could more easily anticipate that after a little they should be told that those gentlemen were so burthened with business that they could not accomplish it all ; in fact, they had already heard that there was a necessity for one day's adjournment in the week — that there must be a holiday for the house, which would be no holiday for Ministers — in order to enable them to prepare Bills to be submitted to the house, he (Mr. Aylwin) was desirous of assisting them, if they were disposed to do their duty honestly, and to carry out the system of Responsible Government. The hon. and learned gentlemen (sic) from Three Rivers has stated that as soon as he felt satisfied he did not possess the confidence of the Country he would retire. That hon. gentleman must know well that he does not possess the confidence of the Country where he resides. If he even (sic) possessed their confidence, he has forfeited that confidence. (No, no.) If, therefore, that hon. gentleman and his colleagues act upon the principles of responsibility, as he has declared they would do, he (Mr. Aylwin) was perfectly convinced that they will not continue long to occupy the treasury benches, (hear, hear,) for so far from possessing the confidence of the constituency of Lower Canada, they do not in fact represent their feelings. — The people of Lower Canada will never forget the proceedings of the Special Council, and of certain courts martial. (order, order, question.)<sup>32</sup>

**Mr. Sol. Gen. Day** then rose and said that in the discussion of this question, a good deal of irrelevant matter had been introduced. He would beg leave in the first instance to direct his attention to the apprehensions which had been expressed by some hon. members in that house, that the members of the government are desirous of monopolizing the whole business of the House. Nothing could be more unfounded than such a supposition. There was certainly no intention on their part to monopolize more than was absolutely necessary to the proper discharge of their duty. The system hereafter to be pursued in the government of the Country



imposed upon them, the duty of originating all important measures of public utility. And he would ask hon. members in what way they desire to obtain the confidence of the house if those measures were to be taken out of their hands and brought before that house in shape and detail essentially different from that in which the government desires to bring them forward. But he would not rest his argument upon this doctrine, which might perhaps be considered a narrow view of the subject, but he would go further and say that the appointment of standing Committees is unconstitutional. (Hear, hear.) The house had no right to delegate the powers with which they were entrusted by their constituents of deliberating upon any subject, to any particular members of their body, for the entire space of time for which they were themselves empowered to act as representatives of the people. To say that information upon certain subjects is only to be acquired in a particular manner — by particular persons appointed by the house before the questions arise upon which that enquiry is needed, — is a practice which is not borne out by Parliamentary usage. He would refer hon. gentlemen to the practice of the House of Commons. (Here Mr. Day read from a Parliamentary work which he held and also from the journals of the House of Commons.) He would admit that Sessional Committees are sometimes appointed, but it was impossible for hon. gentlemen to show that standing Committees which last for the whole Parliament is Constitutional.

He had also another objection to the appointment of Committees in the way proposed, and he would state it in plain terms, he would take for example the case, a Committee on trade, or on internal improvements, and he would suppose the members of those Committees to be wisely chosen from those most conversant with the subject — from those whose friends are more closely applied to the subject to be committed to them. A question for a particular public improvement comes up from one part of the Province and another application for a similar purpose from another. Then the members of that Committee come together, they will involve the Country in more projects for improvements, than it will be possible for them to accomplish, because each of the hon. gentlemen would naturally favor the projects of others in order to secure the adoption of his own, (hear, hear,) this is the natural result. — An imputation had been thrown upon the constituency of some of his hon. friends, as well as his own, by the hon. gentleman from Port Neuf. He (Mr. Day) was not prepared, nor was he willing to enter into personal altercation with that hon. member, which the notice of the remarks of that hon. gentleman were calculated to produce. He (Mr. Day) stood upon the floor of that house as the Representative of as respectable a constituency as any in the Province, and when that gentleman (Mr. Aylwin) adopted, that the people of this Province did not repose confidence in him (Mr. Day,) it was an assertion which was not justified, and it was one which he believed the house itself would condemn, (sic) Although, a few years ago, he (Mr. Day) had performed a painful duty, in which that hon. gentleman had felt himself aggrieved — a duty performed not for remuneration, but, because it was his duty as a servant of the Crown — yet he would put it to the country whether in the fulfillment of this duty, he had deviated from that course of honor and benevolence, which should actuate any gentleman in this situation. He did not think that hon. gentleman was justifiable in making those assertions which he had made.<sup>33</sup>

**Mr. Merritt** said he could not attach so much importance to this question, as some hon. gentlemen seemed to do. In the Parliament of Upper Canada they had been in the practice of appointing Committees upon all subjects, whenever those subjects might arise. But now they had a different system, and they had reason to expect that satisfaction would hereafter be given, because as the hon. gentlemen who are members of His Excellency's administration, a fact that we now have Responsible Government, he thought it the most judicious method to allow those hon. gentlemen to proceed in their own way, that they might have a fair opportunity of proving to the house that they intend to fulfill what they promise.<sup>34</sup>

**Sir Allan MacNab** said he had no desire to throw the least impediment in the way of the officers of the Government, but he could not for one moment consent to remain in his seat, and allow those gentlemen to have the appointing of the select Committees upon all matters which might come before that House. Were hon. members of that House to be told that they had no right to appoint a Committee? (No, no.) He could not for one moment admit the propriety of allowing those gentlemen to have all the management, of all the business of that house. The first Committee to be named, is a Committee of privilege; is that Committee to be appointed by the administration? (Hear, hear.) He (Sir Allan) would give to the members of the administration every assistance in his power, when he believed they were in the right, but when they were wrong, he would give them all the opposition which he thought they deserved. Another Committee to be appointed was a Committee on grievances, or complaints against the administration.<sup>35</sup>

**Mr. Boswell** said the hon. and learned member was altogether out of order in making the remarks he had done, — he entirely misconceived the nature of the question.<sup>36</sup>

**Sir Allan ((MacNab))** continued, — he knew as well as the hon. member himself, whether he was in order or not, — when he wanted information, he knew where to apply for it — he certainly would not apply to that hon. gentleman. With regard to appointing standing Committees, although he did not think it was a good plan, yet at the same time he did not approve of leaving the appointment of Committees to the administration. With regard to the question of Responsible Government, — as he (Sir Allan) understood it — he did not believe that the appointment of Committees by that House, would at all interfere with its operation. He believed that the head of the Government was entirely in favor of carrying out the principle of Responsible Government to its fullest extent, — this point seemed evident from the nature of the appointments made by the Governor General, — why was the late Sol. General called to the Executive Council? — in fact all the recent appointments had been of persons who were known to be strenuous advocates for Responsible Government. A very recent instance was that of the appointment of the hon. member for Middlesex, (Mr. Parke) to the office of Surveyor General; would the hon. gentlemen who were members of the administration say that this appointment was not made with their advice and consent? (hear.) This being the case, he for one was perfectly satisfied, without further questioning the intentions of those hon. gentlemen. (Hear, hear.)<sup>37</sup>

**Mr. Price** said he had been exceedingly gratified at hearing the remarks which fell from the hon. and learned Atty. General for Lower Canada. He (Mr. Price) was now satisfied that they were going to have the practical working of the new system. Some hon. gentlemen seemed exceedingly anxious to originate Bills; he (Mr. Price) was one who would be perfectly satisfied that the members of the administration should originate all measures, if they chose to burthen themselves with the labour, but he did not believe that they had any such desire. In the House of Commons in England, Lord Stanley's Registration Bill was heartily concurred in by Ministers, — they went hand in hand with that measure, although introduced by one who was not a member of the Government. The gentlemen who occupy the treasury benches would find him ready and willing to afford them his assistance on all occasions, upon which they act consistently with the course which they had declared their intention of pursuing, for he considered it would be unjust and unfair towards those gentlemen, if they were to be held responsible for their acts, whilst the House claimed the privilege of controlling (sic) them. (No, no.) He hoped it would not be imputed to him that he was desirous of offering a factious opposition, (hear, hear.)<sup>38</sup>

Mr. Price then addressed the chair, censuring the pettish puerility of some hon. members, who were continually vaunting of the superior foundation of their own return to Parliament over that of other hon. gentlemen. He was determined to support ministers as long as he could approve of their measures; and was happy to hear, that a system of local self government was about to be established, which would relieve them greatly.<sup>39</sup>

**Mr. Atty. General Ogden** said he felt not a little flattered by the confiding tone of the hon. gentleman's speech, it was certainly very cheering after the vituperative language of the hon. gentleman who represents the Returning Officer, for the County of Port Neuf. Now that that gentleman had come to the school of Reform, it would be well if he were disposed to cast his eyes about occasionally for precedents. That hon. gentleman is mistaken if he supposes that we on the treasury benches are disposed to control the whole business of this house. Any hon. member can of course introduce such measures as he thinks proper, and I shall be happy to find them forwarding as much of the business of the House as possible. But I say that all matters relating to the trade of the Country, — all matters contained in the Speech from the Throne, — should be matured by us when we meet in the closet. All that we ask and require is, that we shall be permitted to conduct the business of the Country, for which you look to us to be Responsible.<sup>40</sup>

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The question having been put upon the said motion, the House divided thereon, and the names being called for, they were taken down as followeth: —

YEAS.

Baldwin,  
Boswell,

De Salaberry, Killaly, Hon H.H. Roblin,  
Draper, Hon. W.H. McDonald, (Pres.) Simpson,

Buchanan,	Dunn, Hon. J. H.	MacNab, Sir A.N.	Small,
Cameron,	Dunscomb,	Merritt,	Smith, (Fron.)
Campbell,	Duggan,	Moore,	Smith, (Went.)
Child,	Foster,	Morris,	Steele,
Cook,	Gilchrist,	Ogden, Hon. C. R.	Taschereau,
Crane,	Hincks,	Powell,	Thompson,
Daly, Hon. D.	Holmes,	Price,	Thorburn,
Day, Hon. C. D.	Hopkins,	Prince,	Watts,
Derbshire,	Johnston,	Robertson	Williams. — 44.

## NOES.

Armstrong,	Cartwright,	Morin,	Sherwood,
Aylwin,	Christie,	Neilson,	Strachan,
Barthe,	Durand,	Noel,	Turcotte,
Berthelot,	Hale,	Parent,	Viger, Hon. D.B.
Black,	McLean,	Raymond,	Woods,
Boutillier,	Moffatt, Hon. G.	Ruel,	Yule. — 25
Burnet,			

So it was carried in the affirmative, and  
Ordered accordingly.

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Gwillimbury, Road  
& Bridge Bill read  
a second time.

A Bill to amend an Act of that part of the Province, formerly called *Upper Canada*, intituled, "*An Act to provide for the making and keeping in repair the West Gwillimbury Road and Bridge, and to authorise the erection of a Toll Gate thereon*" was, according to order, read a second time.

Ordered—That the said Bill be referred to a Committee of the whole House, on *Monday* next.

Order of day for  
Committee of whole  
House on Lower  
Canada contested  
Elections postponed.

The Order of the day for the House in Committee, to consider the order adopted, by the late House of Assembly of *Lower Canada*, for regulating its proceeding, in cases of contested Elections, in that Province, being read,

Ordered—That the said Order of the day be postponed until *Monday* next.

House in Committee  
on Heir and Devisee  
Commission Bill.

The Order of the day for the House in Committee an the Engrossed Bill from the Legislative Council, intituled "*An Act to alter for a limited period the place of sitting of the Heir and Devisee Commission, of the late Province of Upper Canada, and for other purposes therein mentioned*" being read,

The House accordingly resolved itself into the said Committee.

Mr. *Christie* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair, and Mr. *Christie* reported that the Committee had gone through the Bill, and had directed him to report the same, without any amendment.

Ordered—That the said Bill be now read, for the third time.

The said Bill was accordingly read, for the third time.

Resolved—That the said Bill do pass.

Heir and Devisee  
Commission Bill  
passed.

Ordered—That Mr. Attorney General *Draper* do carry back the said Bill to the Legislative Council, and acquaint their honours that this House have passed the same without any amendment.

Then on motion of Mr. Attorney General *Draper*, seconded by Mr. Solicitor General *Day*,

The House adjourned.



## Appendix, 25 June 1841.

## ((Notice of Proposed Bills.))

**Col. Prince** moved, for leave to bring in a bill, to amend an Act ; providing against the killing of deer and certain of the feathered tribe at a particular season of the year. It was particularly on account of Woodcock shooting that the gallant Colonel wished to introduce this bill. Where amusements were so limited, the sports of the gun afforded not a little gratification to many, living on the land. Now as regards the killing of Woodcocks the day originally fixed for the commencement of the sport was the 1st August, but the wisdom that followed after, extended the restriction to the 1st of September, when it was found that there were no birds remaining. It was to counteract this ingenious mode of legislation that the hon. member begged leave to introduce the bill.<sup>41</sup>

**Mr. Holmes** brought under the notice of the house, the defective state of the exchange in the United Province. Unless ministers were prepared with a measure upon the subject, he should in the beginning of the week move for a committee thereon, and to assimilate the currency.<sup>42</sup>

**Mr. Solicitor General Day** gave notice, that on Monday he would move to bring in a bill to establish a Board of Works, — and on Thursday, a bill for the introduction of local and municipal government into the Province.<sup>43</sup>

Footnotes — 25 June 1841.

1. According to KINGSTON CHRONICLE, 3 July 1841, there was an added recommendation which was accepted by the House: "that tenders for the printing of the House would be received from the Kingston printers."

2. BRITISH COLONIST, 30 June 1841. ST. CATHARINES JOURNAL, 8 July 1841, copied its report from the BRITISH COLONIST, 30 June 1841.

3. IBID.

4. IBID.

5. IBID.

6. IBID.

7. IBID.

8. IBID.

9. IBID.

10. IBID.

11. The debate ensuing was reported in: KINGSTON CHRONICLE, 30 June 1841; BRITISH COLONIST, 30 June 1841; MONTREAL GAZETTE, 28 June 1841; EXAMINER, 7 July 1841; LE CANADIEN, 5 July 1841, translation of the same report found in KINGSTON CHRONICLE, 30 June 1841; WESTERN HERALD, 16 July 1841 which commented: "there was strenuous apeing of the Imperial Parliament, and a vast deal of nonsensical stuff about "treasury benches," "ministers," and that sublimest mystery, 'responsible government,'..."

12. WESTERN HERALD, 16 July 1841.

13. BRITISH COLONIST, 30 June 1841.

14. WESTERN HERALD, 16 July 1841.

15. BRITISH COLONIST, 30 June 1841.

16. WESTERN HERALD, 16 July 1841.

17. IBID.

18. KINGSTON CHRONICLE, 30 June 1841.

19. WESTERN HERALD, 16 June 1841.

20. BRITISH COLONIST, 30 June 1841.

21. KINGSTON CHRONICLE, 30 June 1841.

22. IBID.

23. IBID.

24. IBID.

25. IBID.

26. BRITISH COLONIST, 30 June 1841.

27. IBID.

28. KINGSTON CHRONICLE, 30 June 1841.

29. IBID.

30. BRITISH COLONIST, 30 June 1841.

31. MONTREAL GAZETTE, 28 June 1841.

32. KINGSTON CHRONICLE, 30 June 1841.

33. IBID.

34. IBID.

35. IBID.

36. IBID.

37. IBID.

38. IBID.

39. BRITISH COLONIST, 30 June 1841.

40. KINGSTON CHRONICLE, 30 June 1841.

41. BRITISH COLONIST, 30 June 1841.

42. IBID.

43. IBID.

**Monday, 28 June 1841.**

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*Ordered* — That when this House doth adjourn, it will adjourn until *Wednesday* next, at ten o'clock, A. M.

Petition of Louis Michel Viger, Esq., complaining of the late Election for the county of Chambly.

A Petition of *Louis Michel Viger*, Esquire, of the City of *Montreal*, was presented to the House by Mr. *Neilson*, and the same was received and read; setting forth: — That on *Monday*, the *twenty-second* day of the month of *March* last, at *St. John's* in the county of *Chambly*, an election took place for the purpose of electing a member to represent the said county in the Legislative Assembly of the Province.

That of the candidates, one was *John Yule*, of the parish of *Chambly*, Esquire, and Petitioner was the other, and *Augustus Delisle*, of the parish of *Boucherville*, discharged the duties of Returning Officer.

That the said election was opened at *St. John's*, a place which had been chosen as that of the Poll, but which, far from being a central

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Petition of Louis Michel Viger, Esq., complaining of the late Election for the county of Chambly.

one, is situated at one of the extremities of the county, the selection of which could be attended with no other result but that of subjecting the majority of the electors of the county to inconveniences the most grave.

That, on the first day of the election, when the Returning Officer requested the electors, then present, to name the person whom they were willing to appoint as a member to serve in the said Assembly, the great majority of the said electors, on the show of hands, declared themselves in favor of the undersigned; upon which a poll was asked for by the partisans of the said *John Yule*, and was granted by the Returning Officer, who began to take in and register the votes of the electors.

That, on the very first day, Petitioner had already a majority of fifty-five votes over his antagonist, when the Returning Officer was compelled to adjourn the poll, in consequence of the violence and the outrages committed by the said *John Yule's* partisans, who, being in a state of inebriation, commenced assailing the partisans of Petitioner, at a moment when these were engaged in peaceably giving their suffrages to Petitioner.

That the said *John Yule's* partisans were armed with clubs and other offensive weapons, of which they made use to illtreat Petitioner's partisans, and committed acts so outrageous that the Returning Officer was obliged to stop the poll, and found that it was necessary to adopt efficient measures, such as the having at his disposal a sufficient force to enable him to continue the said election, and protect the lives of Her Majesty's subjects, jeopardized in consequence of the acts of violence and outrages committed by the partisans of the said *John Yule*; that the said Returning Officer even repeatedly promised to the electors, that he would, on the day following, have a sufficient force at his disposal to maintain order.

That, on the next day, the said Returning Officer, not having procured or not being able to procure the support and assistance of which he himself had acknowledge the necessity to protect the electors of Petitioner, the said *John Yule's* partisans, in the view of preventing all and every the electors favorable to Petitioner, from having any access

to the Poll, and their (sic) inscribe there (sic) votes, did obstruct or cause to be obstructed, by means of bullies, armed with clubs and other offensive weapons, all the public roads leading from the different parts of the county of *Chambly*, to the place of the poll, and thus forcibly, and with violence, did keep Petitioner's partisans away from the place of the poll.

That on the *twenty-third* day of *March*, last, (being the second day of the election) owing to the illegal and violent practices, on the part of the said *John Yule's* partisans, they became absolute masters of the poll, and they alone were enabled to give in their votes, by which means a slight majority of ten votes was on that day secured to the said *John Yule*.

That, on this same day, it was with great difficulty that a few only of petitioner's electors could succeed in reaching the place of the poll, and then they were menaced with violence if they persisted in their wish to vote for petitioner.

That Petitioner finding himself deprived of the means of communicating with his electors, and of demanding the adjournment of the poll, as he had a right so to do, on being assisted but by three of his electors, the said *John Yule* of this did take advantage and cause a proclamation, for the purpose of bringing the said election to a close, so that he might be proclaimed elected, in the event of petitioner's not producing any vote during the space of a hour; a vote which it was impossible for him to produce, owing to the distance at which his electors were forcibly kept away from the place of the poll, and the menaces held out to the very few, who could reach it; upon which the election was declared to be closed, and the said *John Yule* was illegally proclaimed elected.

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Petitioner doth further aver, that previous to and pending the said Election, the said *John Yule*, and his partisans, did open or cause to be opened, and did support, a great number of houses of public entertainment, within the limits of the said county, and namely at *St. John's* aforesaid where the said poll was held; that moreover, the said *John Yule*, and his partisans, had recourse to divers means of corruption, to procure votes for him.

That Petitioner had protested against all and every return that might be made in the behalf of the said *John Yule* Esquire, as appears by his protest dated the *twenty-fifth* of *March* last,

For these reasons, Petitioner prays this House to take this, his petition, into their serious consideration, and declare the Election aforesaid illegal and null, as also the proclamation made by the said Returning Officer of the person, of the said *John Yule*, to represent the electors of the county of *Chambly* in the Legislative Assembly of the Province of *Canada*.

*Ordered* — That the said petition do lie upon the table.

A Petition of divers Electors of the County of *Chambly* was presented to the House by Mr. *Neilson*, and the same was received and read; setting forth: — That on *Monday* the *twenty-second* day of *March* last, at *St. John's*. in the county of *Chambly*, an election took place for the purpose of electing a member to represent the said county in the Legislative Assembly of the Province.

That *Louis Michel Viger*, of the City of *Montreal*, Esquire, was one of the candidates, and *John Yule*, of the parish of *Chambly*, Esquire, was the other; and *Auguste Delisle*, of the parish of *Boucherville*, Esquire, fulfilled the duties of Returning Officer.

That the above mentioned election was opened at *St. John's*; which place had been appointed for the holding of the poll, but which, far from being a central one, is situated at one of the extremities of the

Petition of divers electors of the county of *Chambly* complaining of the election for said county.



county, the selecting of which could be attended with no other result, but that of subjecting the majority of the electors of the county to the most serious inconveniences.

That on the first day of the election, when the said Returning Officer requested the electors, then present, to name the person whom they were willing to select as a member to serve in the said Assembly, the great majority of the said electors declared themselves, on a show of hands, in favor of the said *Louis Michel Viger*; upon which a poll was asked for, by the partisans of the said *John Yule*, and was granted by the said Returning Officer, who began to take in and register the votes of the electors.

That, on the very first day, the said *Louis Michel Viger* had, already, a majority of fifty-five votes above is (sic) antagonist, when the Returning Officer was compelled to adjourn the poll, in consequence of the violence and the outrages that were committed by the said *John Yule's* partisans, who, being in a state of intoxication, began to assail the partisans of the said *Louis Michel Viger*, at a time when they were engaged peaceably in given their suffrages in favor of (sic) the said *Louis Michel Viger*.

That the partisans of the said *John Yule* were armed with clubs and other offensive weapons, which they used to illtreat the partisans of the other candidate, and committed such violence that the Returning Officer was obliged to stop the poll, and acknowledged the necessity of adopting efficient measures, such as the having at his disposal a sufficient force to enable him to continue the said election, and protect the lives of Her Majesty's subjects, endangered in consequence of the acts of violence and outrages that were committed by the said *John*

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*Yule's* partisans; that the said Returning Officer even repeatedly promised to the electors that on the day following he would have a sufficient force at his disposal to maintain order.

That, on the next day the said Returning Officer, not having procured, or being unable to procure, the support and assistance of which he himself had acknowledged the necessity of to protect the electors of the said *Louis Michel Viger*, the said *John Yule's* partisans, with a view to prevent all the electors in favor of the said *Louis Michel Viger*, from having access to the poll and there inscribe their votes, did obstruct, or cause to be obstructed, by means of bullies, armed with sticks and other offensive weapons, all the public roads that lead from the different parts of the county of *Chambly* to the place of the poll; and thus, forcibly and with violence, did keep away from the place of the poll the partisans of the said *Louis Michel Viger*.

That on the *twenty-third* day of *March*, last, being the second day of the election, in consequence of the unlawful and violent practices, on the part of the said *John Yule's* partisans, the latter became absolute masters of the poll, and they alone were enabled to give in their votes, by which means a slight majority of ten votes were, on that day, secured to the said *John Yule*.

That, on this same day, it was but with difficulty, that a few of the electors of the said *Louis Michel Viger* could succeed in reaching the place of the poll, and then they were menaced with violence if they persisted in their wish to vote for him.

That the said *Louis Michel Viger*, finding himself deprived of every means of communicating with his electors, and of demanding the adjournment of the poll, as he had a right so to do, if he could but be assisted by three of his Electors, the said *John Yule* of this did take advantage and cause a proclamation for the purpose of bringing the said election to a close, in order to be proclaimed elected, in the event of the said *Louis Michel Viger's* not producing any vote during the space of an hour; a vote which it was impossible for him to produce,

Petition of divers electors of the county of *Chambly*, complaining of the election for said county.

owing to the disturbance at which his electors were forcibly kept away from the place of the poll, and the threats held out to the very few who could reach it, upon which the election was declared to be closed and the said *John Yule* was illegally proclaimed elected.

Petitioners do further aver that, even before, and during the election, the said *John Yule*, and his partisans, opened, or caused to be opened, and did support, a great number of houses of public entertainment, within the limits of the said county, namely at *St. John's* aforesaid, where the said poll was held; that moreover the said *John Yule*, and his partisans, had recourse to divers means of corruption to procure votes for him.

For these reasons Petitioners pray this House to take this their Petition into their serious consideration and declare null and illegal the above mentioned election, as well as the proclamation made by the said Returning Officer of the person of the said *John Yule* to represent the electors of the county of *Chambly* in the Legislative Assembly of the Province of *Canada*.

And Petitioners pray this House to please to adopt such measures, as in their wisdom they may think proper, as will prevent a recurrence of similar acts of violence; and enable Petitioners to exercise their elective franchise, without being exposed to become the victims of outrages of such a nature as those which they complain of in this their present petition.

Petitioners further earnestly represent, to this House, the necessity of immediately making an enquiry with regard to the acts of violence and disgraceful scenes that have occurred at several of the elections, in the District of *Montreal*, to the end that this House may be enabled

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to adopt such measures as their wisdom shall suggest, and such as may become necessary in consequence of the said enquiry.

*Ordered* — That the said petition do lie upon the table.

Petition of P. B. Smith, praying to be naturalized.

A Petition of *Benjamin Peabody Smith*, of the township of *Kitley*, was presented to the House by Mr. *Morris*; and the same was received and read; setting forth: — That Petitioner immigrated into this Province, six years ago, from the *United States of America*, and has since acquired a pretty handsome property; — That he is much pleased with the Laws, Government, and Institutions of this Province, in which he would fain end his days, and settle permanently his family of eight children; — he therefore prays for the enactment of a law to confer on him all the rights, immunities, and privileges of a natural Born subject.

*Ordered* — That the said petition do lie upon the table.

Petition from Commercial Bank of Midland District praying for increase of capital.

A petition of the President, Directors and Stockholders, of the Commercial Bank of the *Midland District*, was presented to the House by Mr. *Morris*, and the same was received and read; setting forth: — That, in consequence of the increasing trade of the upper part of this Province, applications are constantly made to said institution for greater Bank accommodation than its limited capital will enable it to afford.

That the late Legislature of *Upper Canada*, were of opinion that the extension of the capital of the chartered Banks would best encourage the importation of capital, and accommodate the agriculturist and the Merchant.

That petitioners appeal with confidence to the public as to the honourable and correct management of affairs of said Institution, and feeling satisfied that an increase of its capital would be of increased benefit to the Province, pray for such an extension of its capital stock as would be sufficient to meet the growing wants of the colony.

*Ordered* — That the said petition do lie upon the table.

Petition from the people, called Mennonites and Tunkers, complaining of the militia laws.

A petition of the people called *Mennonites* and *Tunkers* was presented to the House by Mr. *Durand*, and the same was received and read; setting forth: — That the militia laws of this Province, bear heavily on the said sects, burthening them, in times of profound peace, with a Tax of one pound for every individual capable of bearing arms, their conscientious scruples preventing them from complying with the provisions of the laws requiring them to learn and practise the Art of war.

That in times of actual war, they have never murmured at paying exempt money, and have rendered, at the same time, important services by raising the necessaries of life, teaming, &c. —

Petitioners therefore pray that the militia laws may be so altered as to relieve the said *Mennonites* and *Tunkers* from the pressure of the said tax, or to cause the same to be exacted in labor on the roads, and bridges, within the townships where they may reside.

*Ordered* — That the said petition do lie upon the table.

Petition of B. Pinguet praying for relief.

A petition of *Louis B. Pinguet*, of the City of *Quebec*, was presented to the House by Mr. *Neilson*, and the same was received and read; setting forth: — That Petitioner was for 35 years in the service of the late House of Assembly of *Lower Canada*, viz. from 1805 to 1835 as a writer, and from thence till the suspension of the Constitution as Clerk of Committees, at a salary of £100 per annum, on which he was wholly dependent for support.

That about four years back Petitioner became subject to a weakness of sight, which has continued increasing until he is now scarcely able to write by daylight, and quite unable to do so by candle light, — in consequence of which he is reduced to great distress, and feels himself

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chiefly dependent for future support on the expectations he humbly trusts he may reasonably entertain for his long and faithful services.

Wherefore Petitioner earnestly prays the House to consider his advanced age and passed services and grant him such relief as may appear just and expedient.

*Ordered* — That the said Petition be referred to the Committee appointed to inquire what assistance it will be necessary to afford to the Clerk, and what offices and departments it will be expedient to establish for the effective and orderly conduct of the business of this House.

Petition of Henry Sherwood, Esquire, of the City of Toronto complaining of the return of Messrs. Dunn and Buchanan.

A Petition of *Henry Sherwood*, Esq., of the City of *Toronto*, was presented to the House by Sir *Allan McNab*, and the same was received, and read; setting forth: — That Petitioner was a Candidate at the last election for a member to serve in this Parliament in and for the City of *Toronto*, in that part of the Province of *Canada* called *Upper Canada*.

That, at the said election, Petitioner was duly proposed and nominated, and had recorded on the Poll Book in his favour upwards of four hundred votes; — that at the close of the Poll the Returning Officer, *Robert Stanton*, Esquire, declared the Honourable *John Henry Dunn* and *Isaac Buchanan*, Esquire, who were also candidates at the said election, duly elected, as having a majority of votes; — that certain electors of the said City protested against the said Return, in writing, for the reasons set forth, to which Petitioner begs leave to refer this Honourable House.

Petitioner further begs leave to represent to this Honourable House that the return of the said *John Henry Dunn* and *Isaac Buchanan* should be set aside as being illegal and void, and a new election ordered, or that Petitioner and *George Munroe*, Esquire, who was also a candidate at the said election, should be declared duly elected instead of the said *John Henry Dunn* and *Isaac Buchanan*, for the following reasons: —



1st. — That the said *John Henry Dunn* and *Isaac Buchanan*, or their agents or friends, did after the teste of the writ for the said election, offer and give to various persons having voices at the said election divers sums of money and other rewards, as an inducement for them to vote for the said *John Henry Dunn* and *Isaac Buchanan* at the said election, and that after the said teste various Public Houses or Inns were kept open at the expense of the said *John Henry Dunn* and *Isaac Buchanan*, or their friends, at which meat and drink were given to persons having a right to vote at the said election, as an inducement for them to vote for the said *John Henry Dunn* and *Isaac Buchanan*; — that several Inn-keepers who had declared their determination to vote for Petitioner and the said *George Munroe* were told by the said *John Henry Dunn* and *Isaac Buchanan*, or their agents, that if they would vote for the said *John Henry Dunn* and *Isaac Buchanan* that they should receive a large sum of money each day of the election to keep open houses, and which sums of money were afterwards paid by the said *John Henry Dunn* and *Isaac Buchanan*, and that various other acts, having for their object a direct interference with the freedom of the election, were committed by the said *John Henry Dunn* and *Isaac Buchanan*, or their agents and friends.

Petitioner begs further to represent that intimidation and an undue influence was exercised over persons holding situations under the Government, and Clerks in the Public Departments, to compel them to vote for the said *John Henry Dunn* and *Isaac Buchanan*, and that during the last two days of the election upwards of thirty-five individuals holding situations under the Government, many of whom declared, up to the hour at which they voted, their opposition to the said *John Henry Dunn* and *Isaac Buchanan*, recorded their votes in their favor, and the majority which the said *Isaac Buchanan*, had over Petitioner was only twenty-five.

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Petitioner therefore humbly prays that this Honourable House will take into consideration the several matters and things herein before stated; and that the said *John Henry Dunn* and *Isaac Buchanan* may be declared not duly elected or returned; and that Petitioner and the said *George Munroe* may be declared duly elected to serve in this Parliament for the said City of *Toronto*, and their names substituted in the Return for the said City; — or that the election and return of the said *John Henry Dunn* and *Isaac Buchanan* may be declared to be null and void, and that the House may make such order, and give such further relief in the premises, for securing the freedom of election in the said City, as to this Honourable House shall seem fit.

On Motion of Sir *Allan MacNab* seconded by Mr. *Aylwin*.

*Ordered* — That the Petition of *Henry Sherwood Esquire*, complaining of the undue election and return of the Honourable *John Henry Dunn* and *Isaac Buchanan*, Esquire, be taken into consideration by this House, on the fifteenth day of *July* next, at the hour of three o'clock, P. M. and that notice, to that effect, in writing, be forthwith given by the Speaker to the Petitioner and the sitting Members, according to the provision of the second clause of an Act passed by the Parliament of *Upper Canada*, during the fourth year of the Reign of His late Majesty *GEORGE* the IV. Chap. IV.

Petition of Henry Sherwood, Esquire, to be considered on the 15th day of July next.

**Mr. Draper**, read the practice laid down by law, "that a day and time be fixed" to go into such petitions.<sup>1</sup>

**Mr. Small** specified as the proper course, that fourteen days must expire after presentation before the petition can be taken into consideration.<sup>2</sup>

Petition of James Mathewson, complaining of the election of Henry Smith, Esq. for the County of Frontenac.

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A Petition of *James Mathewson*, of the Township of *Pittsburg*, was presented to the House by Mr. *Johnston*, and the same was received and read ; setting forth : — That at the election of a Member to serve in the Legislative Assembly of this Province, for the county of *Frontenac*, held at the Town of *Kingston*, on the eighth day of *March* last, Petitioner and *Henry Smith*, Esquire, were respectively proposed as candidates to represent said County of *Frontenac*, and *Thomas Kirkpatrick*, Esquire, acted as Returning Officer, and presided at the said Election.

That the said *Henry Smith*, by means of bribes, treats, rewards, or favors, or promises of bribes, treats, rewards, or favors paid, given, or offered, or promised to be paid or given by himself or by others as his friends, agents, Committee, or supporters, to divers freeholders and electors of said County, and by threats and other illegal and corrupt acts induced certain of such electors to tender their votes at the said Election for him the said *Henry Smith*, and the said *Thomas Kirkpatrick* admitted the votes of such electors for the said *Henry Smith*.

That the said *Henry Smith*, by reason of such bribes, treats, favors, or promises thereof, and by the said threats and intimidation and other corrupt and illegal conduct, became, and was, and is, disqualified from sitting in this present Parliament as a Member of the Legislative Assembly, and ought not to have been returned as the Member for the said County at the late election.

That during the said election the said *Thomas Kirkpatrick*, conducted himself, as such Returning Officer, in an arbitrary, partial, and illegal manner, and refused to admit divers freeholders and voters to register their votes in favor of Petitioner ; and arbitrarily, illegally, unjustly, and contrary to the usage and practice at elections in this Province, and contrary to law, refused to allow Petitioner the benefit of a Counsel, Scrutineer, or Inspector, at the poll during said election ; and the said *Thomas Kirkpatrick*, by so refusing to allow such voters to vote as aforesaid for Petitioner, and by his illegal, partial, and over bearing conduct in not permitting Petitioner to have the benefit of his Counsel, scrutineer, or inspector, induced Petitioner to relinquish the contest when many votes remained unpolled, and the said *Thomas Kirkpatrick* returned the said *Henry Smith* as duly elected, although the said *Henry Smith* was and is disqualified as aforesaid from sitting

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in the said Legislative Assembly, and the majority on the poll in favor of the said *Henry Smith* was only collusive and colourable, and the said *James Mathewson* was and is entitled to the majority of the good and legal votes and would have been returned and duly elected for the said County but for the illegal and improper conduct aforesaid.

Petitioner therefore humbly prays this Honourable House to inquire into the merits of the said election and the conduct of the said *Henry Smith*, and *Thomas Kirkpatrick* in regard thereto, and to relieve Petitioner either by requiring the said *Thomas Kirkpatrick* to amend the return made by him, of the said *Henry Smith*, by inserting the name of Petitioner, in such return in place of said *Henry Smith*, disqualified as aforesaid, by reason of such bribery and other corrupt and illegal conduct as aforesaid, and by the illegal and improper conduct of the said *Thomas Kirkpatrick* as above mentioned, or to cause a new writ to issue for the election of a fit and proper person to represent said County in the place of said *Henry Smith*.

Petitioner craving permission to offer evidence in support of the allegations aforesaid before a Committee of this Honourable House to be appointed to try the merits of the said Election.

**Mr. Johnston**, in presenting a petition against the return of Mr. Henry Smith, regretted that he was compelled to say, if the allegations contained in it were true, that of all the cases he had

ever heard of, this was one in which the returning officer richly deserved to be brought before the bar of that house, as a warning to others against pursuing a line of conduct, productive of endless labour and interruption to the business of that house. (Hear, Hear.)<sup>8</sup>

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*Ordered* — That the said Petition do lie upon the table.

Petition from second Riding York, complaining of the election of Geo. Duggan, Esq.

A Petition of divers electors of the Second Riding of the County of York, was presented to the House by Mr. Baldwin, and the same was received and read; setting forth: — That at the last election holden in and for the second Riding of the county of York, *George Duggan*, Jun., Esq., *Connell J. Baldwin*, Esq., *William Thompson*, Esq., and *Edward Thompson*, Esq. were Candidates, and the election commenced on Monday, the eighth day of March, last; that on Tuesday the ninth of March, *William Thompson*, Esq. retired; that on Wednesday morning the tenth, *Edward Thomson*, Esq. retired; that on the evening of the said day the said *Connell J. Baldwin*, Esq. retired after protesting against the violence of the party supporting said *George Duggan*; that notwithstanding such protest the Returning Officer *John Hector*, Esq., returned the said *George Duggan*, Jun., Esq. as duly elected.

That in the opinion of Petitioners the following are among the grounds for this protest: —

That the said *Connell J. Baldwin's* supporters were from time to time during the said election forcibly driven out of the village of *Streetsville* where the election was held.

That immediately before the said *Connell J. Baldwin* retired and protested as aforesaid, between sixty and one hundred of his supporters were present at the Hustings and in the said village ready to vote for him but were prevented from so doing by the violence, threats and intimidation made use of by the supporters of the sitting member *George Duggan*, and that the supporters of the said *George Duggan* were principally reputed members of the Orange Society.

That certain Magistrates at or near the Hustings during such election were called upon to suppress a violent riot commenced by said sitting member's supporters, but that the said Magistrates declined interfering.

That with a view to maintain peace and good order it was suggested that twenty special constables should be appointed; that only seven were sworn in, five of whom were reputed to be Orangemen.

That electors who intended to vote for the said *Connell J. Baldwin*, and who were attending at *Streetsville* aforesaid were followed to their lodgings in *Streetsville*, and there assailed by the supporters of the said *George Duggan*, and that in consequence thereof they were prevented or deterred from giving their votes to the said *Connell J. Baldwin*, and were forcibly driven out of *Streetsville*, where the said election was held.

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That — *McIntyre*, of *Chinguacousy*, in said Riding, an elector in favour of said *Connell J. Baldwin*, was on said Wednesday the last day of said Election, with several others, attacked by the said supporters of the said *George Duggan* in a house near the hustings and dreadfully beaten — that apprehensive that his life was in danger he determined upon returning home without voting; that when in the sleigh he was again assailed by the said party and severely beaten, making his escape with much difficulty.

That besides the outrageous violence and intimidation of said *George Duggan's* party, Petitioners conceive that there is another ground for protesting against the return of the said *George Duggan*, namely, that there are many persons whose names are entered in the poll book in favor of the sitting member who had no votes.

Petitioners further beg to state that, in their opinion, had proper and efficient means been adopted to secure the peace and protect the



electors in the exercise of their right of suffrage, the said *George Duggan* would not have been returned to represent the said second Riding, as a very large proportion of the electors have not voted and were and are opposed to his return as their representative.

Petitioners humbly pray that this House will cause the premises to be enquired into and if proved to their satisfaction that they will cause the said Return of said *George Duggan* to be set aside, and that this House will order a new election and adopt such measures as will ensure the peaceable and quiet enjoyment of the elective franchise, without the peaceable electors being put in fear of life or of bodily injury.

*Ordered* — That the said Petition do lie upon the table.

Petition of Connell J. Baldwin, Esq., complaining of the late election for the second Riding of the County of York.

A Petition of *Connell James Baldwin*, Esquire, was presented to the House by Mr. *Baldwin*, and the same was received and read; setting forth: — That according to previous notice given an election for a Member to represent the 2nd Riding of *York*, in the Parliament, was held in the village of *Streetsville*, in the said 2nd Riding, on Monday the eighth of March last, and the two subsequent days.

That the candidates were: *George Duggan, Jr.*, Esquire, of the City of *Toronto*, *Connell James Baldwin*, *Wm. Thompson*, *Edward Thomson*, and *John Carey*, Esquires, of the said Riding; that after his address on the first day Mr. *Carey* did not appear; that on Tuesday, the ninth March, *Wm. Thompson*, Esquire, retired; that on Wednesday morning, *Edward Thomson*, Esquire, retired; that on the evening of the same day, Petitioner retired, having first protested against the election, in consequence of violent attacks by Mr. *Duggan's* party, armed with bludgeons, on his supporters, by which they were prevented from recording their votes; that notwithstanding this, the Returning Officer declared Mr. *Duggan* duly elected, as having the greater number of votes.

That Petitioner's supporters were, from time to time, during the election, severely beaten, driven out of the Town, and prevented from recording their votes, by bands of ruffians armed with bludgeons, many of them not being freeholders of the Riding, but, in a great proportion, strangers from a different part of the country, many of them known to be orangemen, who could have no other object in coming into, and remaining in the village but to terrify and prevent Petitioner's supporters from recording their votes, thus to ensure the return of Mr. *Duggan*, who, in his opening address, proclaimed himself an orange-man! which he did, Petitioner believes, for no other purpose than to ensure the support of that body from the highest to the lowest, and which support was afforded him, as well by legal and illegal votes, as by intimidation of every kind, and the most lawless and outrageous aggression.

That on Tuesday morning, Mr. *Duggan* having hoisted a flag near

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Petition of Connell James Baldwin, Esq., complaining of the late election for the 2nd Riding of York.

his quarters, and which was never interfered with, some of Petitioner's friends in the act of hoisting a flag at his quarters, within 30 to 40 yards of the hustings, were attacked by a set of the bludgeon supporters of Mr. *Duggan*, the flag pulled down and trampled upon in the mud, Petitioner's friends pursued into the tavern and obliged to conceal themselves, the flag again seized, torn, and a piece of it thrown at Petitioner whilst attending to the election in the hustings, which struck Mr. *Galt*, the Clerk of the poll. Others, not able to escape, were beaten with clubs.

That such was the disposition of the mob in front of the hustings, mostly all composed of Mr. *Duggan's* friends, as Petitioner's friends left the village for their homes as soon as they succeeded in giving their votes, for fear of abuse, and many had been severely beaten for having voted for Petitioner, Mr. *Duggan* found it necessary to address them two or three times to be peaceable, to which they paid some attention,

considering that a riot immediately at the hustings would upset the election, whilst it was supposed that aggressions and attacks, not exactly there, would not affect it.

That a respectable medical practitioner, who witnessed the tearing down of Petitioner's flag, and subsequent attack, from which he feared loss of life would accrue, applied to three different magistrates, but they declined to interfere, stating that they could do nothing with such fellows.

That besides the attacks alluded to, threats of injury, as well as apparently friendly advice, were used, not only at the hustings and in the village, but all over the Riding, by *Mr. Duggan's* friends, to intimidate and prevent Petitioner's supporters from voting.

That on the morning of Wednesday, the 10th of March, a band of bludgeon men opened the door of the room within from 30 to 40 yards of the hustings, where some of Petitioner's supporters were taking breakfast, and desired them, in a most threatening manner, to fill themselves well, for that it should be the last meal they should eat there.

That during the whole of this day, the denunciations and violence of those ruffians increased till 2 to 4 o'clock in the afternoon, when a band of them broke into the aforesaid room, attacked a number of Petitioner's supporters when peaceably at dinner, who had voted or intended to vote for him; smashed chairs, tables and glasses; beat and forced those persons to break and escape through the windows and to conceal themselves, and one in particular, who came to vote, whilst trying to escape in his sleigh, was ferociously beaten after he got into it, and, probably, owed his life to the swiftness of his horses, and was unable to record his vote.

That in consequence of this last attack, the owner of the house sent Petitioner word, that if he did not close the poll she must close her house against him and his party, as she was afraid it would be torn down about her.

That on this, and the above outrageous assault, being reported to the Petitioner in the Hustings, he saw there could be no hope that his supporters, the great body of whom intended, and were preparing, to come in on the three following days, could be induced to come forward, as before the election a great degree of terror existed in the *Riding* amongst his friends, being afraid of abuse and outrage from the orangemen, should they come forward to vote for Petitioner: nor would they have consented to do so, a vast proportion of them being respectable, quiet and religious people, averse to contention, and unwilling to risk their lives by coming in contact with a set of ruffians, who, at former elections, and at public meetings, were in the habit of attacking, assaulting and ill treating them, had they not been encouraged to hope for peace and safety by the orders addressed to Sheriffs, Magistrates, &c., by His Excellency the Governor General, about that time.

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That consequently Petitioner reported the above attack, on the flight of his supporters, to the Returning Officer, and by the advice of some friends, and in their presence, protested against the election, and refused to go on with the poll.

That then, it is true, one or two Magistrates called the Petitioner to go with them, and if he had any voters in town they would bring them up. Petitioner replied, that they had been driven out of the village, and when told to send after them, answered, that it would be impossible for him to do so, and that they would not return, nor could confidence, after that attack, be restored. Petitioner consequently said he would not poll another vote, and retired.

Petitioner begs leave further to state, that, before he left the hustings, a number of sleighs, laden with voters for him, intending to vote that

evening or next morning, were attacked by a party of the aforesaid bludgeon men, obliged to conceal themselves, and finally to fly from fear of being murdered, out of the village, and some were so terrified that they sent others to fetch them their sleighs and horses, and that one of this party, who, as they stopped at the tavern, proceeded towards the Hustings, and when close to it was struck and knocked down by two of these bludgeon men.

Petitioner begs leave further to represent, that the *Thursday, Friday* and *Saturday* were the days the greatest body of his supporters fixed on to come in, supposing they would then be less liable to interruption or outrage.

Petitioner also begs leave to state, that the general opinion, as well as his own, is, that *Mr. Duggan* had very few, if any, more votes to poll, whilst the great bulk of his was yet to come in, and that it was in consequence of this, and to force him to retire, that the above attacks were made on an organized plan, as it was supposed that if not made at the Hustings they would not upset the election.

Petitioner therefore prays, that for the above assigned reasons, and to afford the freeholders of the said *Riding* an opportunity of returning the person of their choice as their representative to this House, as by right and according to the constitution they should be able to do, that this House will hold, declare, and determine the said election for the said *Second Riding* of the County of *York*, and all proceedings thereon had to be null and void, and that the seat in the same is vacant and unfilled, and that in ordering a new election, should this House deem fit to order one, such steps may be taken, as to this House may seem proper, to ensure to the freeholders, of the said *Riding*, security whilst exercising the greatest and most valuable privilege of the subject, and for want of which security they were unable to do so at the said election.

Petition of Benjamin Ham, and David Roblin, and others, to be considered on 1st day of July next.

On motion of *Mr. Hincks*, seconded by *Mr. Baldwin*,

*Ordered* — That the Petition of *Benjamin Ham*, and of *David Roblin*, and others, complaining of the undue Election and return of *John Solomon Cartwright*, Esq., be taken into consideration, by this House, on the first day of *July* next, at the hour of *three o'clock*, P. M., and that notice to that effect, in writing, be forthwith given, by the Speaker, to the Petitioners and the sitting member, according to the provision of the second clause of an act passed by the Parliament of *Upper Canada*, during the fourth year of the reign of his late Majesty *GEORGE* the IV, Chap. IV.

Petition from divers electors of the county of *St. Maurice*, complaining of the

A Petition of divers Electors, of the County of *St. Maurice*, was presented to the House by *Mr. Prince*, and the same was received, and read; setting forth: — That at the last general election there were only two candidates for the said county, namely *Bartholomew Conrad Augustus*

election of  
*J.E. Turcotte*, Esq.

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*tus Gagy*, Esq., a gentleman holding large estates therein, and *Joseph Edouard Turcotte*, Esq., notoriously without any property whatever.

That the latter being, in the terms of the Statute, "incapable of being elected" and there being consequently no real opposition, Petitioners and others comprising with a solitary exception all the men of property and education in the county, confidently, and without deeming it necessary to make any effort, anticipated the return of the candidate of their choice.

That Petitioners have been disappointed in this just expectation and have to complain of the conduct of the Returning Officer in having proclaimed, as duly elected, a person who was not only destitute of the requisite qualification, but who, when duly required by the other candidate as well as by an elector, refused to make the declaration pres-



cribed by the twenty-eighth clause of the act in such case made and provided.

That Petitioner invoking a salutary provision of the law tending to exclude from the Legislative Assembly a class of persons without stake in the country, appeal to this House for relief and respectfully solicit their attention to the following statement of facts : —

Adverting to the absence of qualification, Petitioners respectfully allege that it has for years been, was immediately previous to, as well as at the period of the said election, notorious, that the said *Joseph Edouard Turcotte*, had no property whatever ; in this allegation Petitioners persist although they freely admit that under the deed whereof a copy and translation are annexed, the said *Joseph Edouard Turcotte*, would appear to hold the lot therein described ; but, touching this lot, Petitioners are prepared to prove, firstly, that without any incumbrance whatever it is scarcely worth three hundred pounds currency, and secondly, that the incumbrances upon it absorb, if they do not exceed the whole value.

Aware that the said *Joseph Edouard Turcotte*, has made several different attempts to become possessed of lands or tenements for the purpose of qualifying and enabling himself to be returned a member, the extraordinary details of which may hereafter be disclosed, Petitioners, declaring that he has himself distinctly and publicly admitted, that he was not qualified, most respectfully pray this House will be pleased to take measures to elicit a description of any property in virtue of which he may pretend to be qualified — circumstances of a peculiar nature having transpired, Petitioners believe it possible that the said *Joseph Edouard Turcotte*, may rest his claim to be qualified on other property than that to which they have hereinbefore adverted ; in this contingency they unhesitatingly allege and will prove that any apparent title that the said *Joseph Edouard Turcotte* may have, has been obtained in defiance of the expressed provision of the Statute “collusively, colourably,” and fraudulently, merely with a view to defeat the said salutary provision of the Statute, and to enable him to be returned a member although Petitioners repeat “incapable of being elected.”

Petitioners however submit as a preliminary question which they respectfully pray that this House will be pleased to inquire into and decide upon, previous to any examination of the matters of fact herein above set forth, that it appears by the poll book that the said *Joseph Edouard Turcotte*, although duly required to make the declaration prescribed by the Statute in such case made and provided, refused to make the same — Petitioners disclaim any intention to deny that a verbal declaration might satisfy the Law, but they respectfully complain that the said *Joseph Edouard Turcotte*, resorted to an artifice, and a quibble to elude the law, and in truth made no declaration whatever — referring, in proof of this allegation, to the record, Petitioners respectfully submit that in proclaiming the said *Joseph Edouard Turcotte*, as duly elected, the Returning Officer has departed from the course prescribed to him by law, in as much as it was then clearly his duty

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to have proclaimed as duly elected the said *Bartholomew Conrad Augustus Gagy*, who had received several hundred votes, who had made the said declaration and is qualified according to law. Petitioners accordingly humbly appeal, in the first place to this House, to rectify the error committed by the said Officer.

But should this House require other and further evidence touching the evasion practised by the said *Joseph Edouard Turcotte*, Petitioners allege that the said *Joseph Edouard Turcotte*, did, at the said election conduct himself in a violent manner, did threaten the life of the said

Petition from divers electors of the county of St. Maurice, complaining of the election of J.E. Turcotte, Esq.

Returning Officer and others, did repeatedly declare that he would carry his point or that blood would be shed — and that having urged his followers, many of whom had bludgeons and other weapons, to acts of violence, he, the said *Joseph Edouard Turcotte*, did purposely excite a great *tumult*, noise and confusion at the moment when he was required to make the said declaration.

That at this moment and under these circumstances the said *Joseph Edouard Turcotte*, snatched out of the hands of the Returning Officer the copy of the Imperial Statute III and IV *Victoria*, chapter XXXV, held by that functionary for his guidance, and having so possessed himself of the book, not only overlooked the official character of the said Returning Officer and deliberately declined to call him to witness or to receive any declaration on the part of him, the said *Joseph Edouard Turcotte*, but that the latter purposely withdrew from the presence of the said Returning Officer and repairing to a spot where the said tumult, noise and confusion so excited excluded the possibility of his being distinctly heard, affected to read the said declaration — that while in the act of so withdrawing, the said *Joseph Edouard Turcotte*, significantly intimidated that his then proposed perusal would impart little or no information; lastly, Petitioners allege and are prepared to prove that though (from the *noise*, tumult and confusion then prevailing) occasionally inaudible, the said *Joseph Edouard Turcotte*, read certain parts of the declaration literally as they are printed, namely the third and fourth lines including the words “or” and “as the case may be.”

Referring to the copy of protest made at the close of a contest which Petitioners deemed it unnecessary to prolong, they respectfully submit that under the circumstances they cannot expect any satisfactory result from a bill of indictment against the said *Joseph Edouard Turcotte*, and that this House alone can redress the grievance of which Petitioners complain.

That should the record contained in the poll book fail to convince this House of the truth of the statement made by petitioners they will be prepared to establish by sufficient evidence, that the circumstances hereinabove specified actually took place at the period when the said *Joseph Edouard Turcotte* was required to make the requisite declaration, and in the event of this House requiring further testimony, Petitioners will prove that the said *Joseph Edouard Turcotte*, in point of fact, was then notoriously disqualified as aforesaid.

That Petitioners humbly pray, that this House will vacate and set aside the erroneous decision of the Returning Officer, and the return of the said *Joseph Edouard Turcotte*, Esq., and declare the said *Bartholomew Conrad Augustus Gagy*, to have been duly elected.

Mr. Speaker acquainted the House that *James Dickson* and *B. C. A. Gagy* had entered into the usual recognizances required by law on the subject matter of the contested election for the County of *Saint Maurice*.

Recognizances by  
J. Dickson, &  
B. Gagy.

Allegations in Petition, if true, will make void the election of  
J.E. Turcotte, Esq.

Mr. *Prince* moved to resolve, seconded by Mr. *Hamilton*, that the grounds and reasons of complaint set forth in the said Petition, if true, are sufficient to make void the election of the said *Joseph Edouard Turcotte* Esq.

The gallant **Colonel** ((*Prince*)) remarked that in compliance with his conviction of the necessity of observing the proper forms, in order to secure the proper action of the petition, he was desirous of proceeding with all the caution and regularity required. The petitioners charged the hon. member for St. Maurice, with having forcibly, violently and fraudulently obtained his seat; and with having refused to qualify in compliance with the law expressly insisting upon it. Further, the petitioners set forth, that the deed attached to the petition as the assumed right of qualification, on the part of the member

for St. Maurice, established a claim to property of the real real (sic) value of £300 currency. The gallant Colonel had no desire to wound the feelings of the hon. member, by standing forth as an advocate to insist upon the premises contained in the allegations; but he must be permitted to say, if they were true, in common justice to the people, and in solemn deference to those laws of which they are called upon to be framers, and not the opponents, — if, he observed, the charges were founded, the sooner the member for St. Maurice was deprived of his seat in that house, the greater would it redound to the honour of that house, which ought ever to go forth to the people as unsullied. (Hear, hear.)<sup>4</sup>

Mr. Aylwin and Mr. Hincks made a few remarks....<sup>5</sup>

Mr. Hamilton ... plainly affirmed that if the hon. member was not qualified *ipso facto* his seat was vacant. — "I am of opinion", said the hon. gentleman that there are many in this house not qualified." (Name, name.)<sup>6</sup>

Col. Prince expected discussion would arise on so important a subject — the period allowed according to the law in Lower Canada, he was informed was an interval of 20 days between such petition being laid on the table, and taken into consideration; but so grave were the charges against the hon. member, (the returning officer's life being represented as having been threatened,) that he thought it must be a natural wish on the part of Mr. Turcotte to repel them as early as possible. He would therefore suggest to the hon. member, the propriety of appointing an earlier day, which was allowed with the consent of parties, should they desire it.<sup>7</sup>

Mr. Boswell wished to know the proper mode of proceeding.<sup>8</sup>

Mr. Neilson replied, that the petition should lie on the table.<sup>9</sup>

Mr. Baldwin was in favour of such a course.<sup>10</sup>

Mr. Hamilton was desirous, to be secure against any informality — which he had no doubt would be given against the petitioners and in favour of the hon. member for St. Maurice. From his knowledge of the petitioners he was convinced the prayer was not the offspring of imagination.<sup>11</sup>

Messrs. Viger and Neilson were desirous of postponing the motion.<sup>12</sup>

Col. Prince said, that if they *had* laws, they ought to act upon them; if they had not their proceedings were nugatory.<sup>13</sup>

Mr. Black, ... gave his decided opinion that the law relating to contested elections was in force. — Under all circumstances, however, he requested the gallant Colonel to postpone his motion till Wednesday.<sup>14</sup>

Col. Prince, finding that the journals of the house afforded him a precedent, consented to postpone his motion till Wednesday next. The hon. member then moved that the petition against the return of Mr. Hamilton be discharged — but in compliance with the wishes of hon. members, the motion was withdrawn. —<sup>15</sup>

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*Ordered* — That the consideration of the said motion be postponed until Wednesday next.

Motion that the consideration of the Petition from Bonaventure against the Election of John R. Hamilton, Esquire, be discharged.

Mr. Prince moved, seconded by Mr. Henry Smith, that the further consideration of the petition of divers Freeholders and Inhabitants of the county of Bonaventure, complaining of the undue return of John R. Hamilton, Esquire, Member for the county, presented to the House on the *eighteenth* instant, be discharged.

Ques. postponed.

*Ordered* — That the consideration of the said motion be postponed until Wednesday next.

Canada Fire Assurance Company Bill read.

Mr. Black, from the special Committee to which was referred the petition of the President and Directors of the Canada Fire Assurance Company, with power to report by Bill or otherwise, presented to the



House a Bill for incorporating the "*Canada Fire Assurance Company*;" which was received and read for the first time.

Bill to regulate inspection of Timber, Masts, etc., read.

*Ordered* — That Mr. *Cameron* have leave to bring in a Bill to regulate the Inspection and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, in the Ports of *Quebec* and *Montreal*, and for other purposes relative to the same.<sup>16</sup>

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

*Ordered* — That the said Bill be read a second time, this day Fort-night.

Bill to be printed.

*Ordered* — That two hundred copies of the said Bill, in English, and one hundred copies, in French, be printed for the use of the Members of this House.

Petition of James Mathewson, complaining of the election of Henry Smith, Esq. to be considered on the 22nd day of July next.

On motion of Mr. *Johnston*, seconded by Captain *Steele*,

*Ordered* — That the petition of *James Mathewson*, of the Township of *Pittsburg*, complaining of the undue election and return of *Henry Smith*, Esq. be taken into consideration by this House on the *twenty-second day of July*, next, at the hour of *three o'clock P. M.* and that notice to that effect, in writing, be forthwith given, by the Speaker, to the Petitioner and the sitting Member, according to the provision of the second clause of an Act passed by the Parliament of *Upper Canada*, during the fourth year of the Reign of His late Majesty King *GEORGE* the IV. Chap. IV.

Notice to be given to parties thereof.

Mr. *Baldwin* moved, seconded by Mr. *Christie*, that the time for the Petitioners, against the election and return for the Town of *Niagara*, to enter into the Recognizance required by law, be enlarged, until *Wednesday the seventh of July* next.

Mr. *Campbell* now objected that the form prescribed by law had not been complied with — that the signature appended to the recognizance, was that of the defeated candidate, Mr. *Boulton*, instead of the petitioner, *Melville*, rendering it void and of non-effect.<sup>17</sup>

Sir *A.N. MacNab* alluded to the case of *Mackenzie* in support of the motion of an extension of time — and *belonging to the profession of the law*, regarded the insertion as *one name for another as a mere trifle*.<sup>18</sup>

Mr. *Merritt* was of opinion, that if there had been any informality in the proceedings, postponement was necessary.—<sup>19</sup>

Mr. *Black* with his usual accuracy, defined the law upon the subject.<sup>20</sup>

Mr. *Aylwin*, although on some occasions evincing great tenderness for legal ceremonies, was of opinion in this case that any observance of them was perfectly unnecessary. Immediately after proclaiming with great consistency his anxiety for their observance, the hon. member said something about sacred rights, and determined to vote with Mr. *Baldwin*.<sup>21</sup>

Mr. *Boswell* could not understand the arguments of some hon. gentlemen. To-day they were as rigid as though they were the very guardians of the A's and the B's upon which, according to their magisterial authority, depended our inhaling even the atmosphere of liberty. To-morrow, they proclaimed a general license; and like the physician who shook his prescriptions up in a bag, you were at liberty to take your chance and draw for any names or events that might turn up: *Thomas Styles* answering as well for *John Stokes* as any other name, to give effect to an ingenious mode of cross-reading. The hon. member contended, that if we were to have laws we were bound to obey them — and if a *particular* recognizance is demanded by the law, *that* recognizance must be entered into and *no other*.<sup>22</sup>

Sir *A. MacNab* was of opinion that the necessary recognizance had been entered; that *merely* the name of *Boulton* had been written instead of *Melville*.<sup>23</sup>

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The House divided on the motion, and the names being called for, they were taken down as followeth : —

YEAS.

<i>Armstrong,</i>	<i>Delisle,</i>	<i>MacNab, Sir A.N.</i>	<i>Raymond,</i>
<i>Aylwin,</i>	<i>Dunscomb,</i>	<i>Merritt,</i>	<i>Roblin,</i>
<i>Baldwin,</i>	<i>Durand,</i>	<i>Moffatt,</i>	<i>Hon. G. Small,</i>
<i>Berthelot,</i>	<i>Gilchrist,</i>	<i>Morris,</i>	<i>Smith, (Went.)</i>
<i>Boutillier,</i>	<i>Hamilton,</i>	<i>Neilson,</i>	<i>Strachan,</i>
<i>Buchanan,</i>	<i>Hincks,</i>	<i>Noel,</i>	<i>Thompson,</i>
<i>Child,</i>	<i>Holmes,</i>	<i>Parent,</i>	<i>Thorburn,</i>
<i>Christie,</i>	<i>Johnston,</i>	<i>Powell,</i>	<i>Turcotte,</i>
<i>Cook,</i>	<i>McDonald, (Pres.)</i>	<i>Price,</i>	<i>Williams. — 36.</i>

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NOES.

<i>Black,</i>	<i>Derbshire,</i>	<i>Ogden, Hon. C.R. Smith, (Fron.)</i>
<i>Boswell,</i>	<i>Draper, Hon. W.H.</i>	<i>Prince, Steele,</i>
<i>Cartwright,</i>	<i>Foster,</i>	<i>Simpson, Viger, Hon. D.B.</i>
<i>Day, Hon. C.D.</i>	<i>Killaly, Hon. H.H.</i>	<i>(14)</i>

So it was carried in the affirmative, and  
*Ordered* accordingly.

Petition against the  
Election of  
E. C. Campbell, Esq.,  
to be considered  
on the 7th July next.

On motion of Mr. Baldwin, seconded by the Honourable Mr. Viger,  
*Ordered* — That the Petition of Robert Melville and John McBride, electors of the Town of Niagara, complaining of the undue election and return of Edward Clarke Campbell, Esquire, be taken into consideration by this House on the seventh day of July next at the hour of three o'clock P. M., and that notice to that effect, in writing, be forthwith given by the Speaker to the Petitioners and the sitting Member, according to the Provision of the second clause of an Act passed by the Parliament of Upper Canada, during the fourth year of the Reign of His late Majesty King GEORGE the IV, chap. IV.

Notice of the same  
to be given  
to the parties.

Petition against the  
election of Robert  
Baldwin, Esquire,  
to be considered  
on the 7th July next.

On motion of Sir Allan MacNab, seconded by Mr. Prince,  
*Ordered* — That the Petition of T. Parker, and others, of the County of Hastings, in the District of Victoria, complaining of the undue election and return of Robert Baldwin, Esquire, be taken into consideration by the House on the seventh day of July next, at the hour of three o'clock, P. M., and that, notice to that effect, in writing, be forthwith given, by the Speaker, to the Petitioners and the sitting Member, according to the Provision of the second clause of an Act passed by the Parliament of Upper Canada during the fourth year of the Reign of His late Majesty, King GEORGE the IV, chap. IV.

Notice of the same  
to be given  
to the parties.

Petition complaining  
of the election of  
Geo. Duggan, Esq.,  
to be considered  
on the 19th July next.

On motion of Mr. Baldwin, seconded by Mr. Hincks,  
*Ordered* — That the Petitions of divers Electors of the Second Riding of the County of York, and of Connell James Baldwin, Esquire, complaining of the undue Election and return of George Duggan, Esquire, be taken into consideration by this House on the nineteenth day of July next, at the hour of three o'clock, P. M., and that notice to that effect, in writing, be forthwith given, by the Speaker, to the Petitioners and the sitting Member ; according to the provision of the second clause of an Act passed by the Parliament of Upper Canada, during the fourth year of the Reign of His late Majesty King GEORGE the IV, chap. IV.

Notice of the same  
to be given  
to the parties.

*Ordered* — That Mr. Small have leave to bring in a Bill to authorize the voting by ballot.

Bill, for voting by  
ballot, read.

He accordingly presented the said Bill to the House, and the same was received and read, for the first time.

*Ordered* — That the said Bill be read a second time on Wednesday week.<sup>24</sup>

Committee on Petition of Mennonites, report Bill to amend the Militia Law.

Mr. Merritt, from the Special Committee, to which was referred the Petition of *Jacob Gross* and *Daniel High*, Ministers of the *Mennonite Church*, and others, with power to report by Bill or otherwise, presented to the House a Bill to amend the Militia Law of that part of this Province formerly constituting the Province of *Upper Canada*, which was received and read for the first time.

Petition of John Atkinson, complaining of Incendiarism and praying indemnity.

A Petition of *John Atkinson*, of the Township of *Hemmingford*, was (with the consent of His Excellency the Governor General, that the House may proceed thereon as they shall think fit,) presented to the

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House by Mr. *Dunscomb*, and the same was received and read ; setting forth : That on the night of 9th *August* last certain incendiaries came over from the *United States*, and destroyed, by fire, amongst other buildings, a barn belonging to Petitioner, containing 9 tons of Hay and a load of Grain ; and though said incendiaries were followed into the *United States* and arrested, the authorities there refused to give them up.

That Petitioner is assured that this outrage was perpetrated in revenge for the zealous and active part which he took in suppressing the late rebellion.

That Petitioner's loss has been impartially estimated at £71, a sum which he cannot afford to lose, having a large family to maintain ; he therefore prays the House to grant him such indemnity as to them may seem meet and just.

*Ordered* — That the said Petition do lie upon the table.

Committee of whole, on Wednesday week, to take into consideration the Laws relating to "Feudal Tenure."

*Resolved* — That the House will, on *Wednesday* week, resolve itself into a Committee, of the whole House, to take into consideration the Laws of that part of the Province heretofore known as *Lower Canada*, touching the tenure of lands, and commonly known as "Feudal Tenure," and to consider the expediency of altering and amending the same ; and the best and most equitable mode of affecting the alterations that may be deemed necessary.

Committee appointed to report on Turnpike Trusts.

*Resolved* — That a Committee of five members be appointed to report upon the Turnpike Trust in the *Gore* District, by Bill or otherwise, with power to send for persons, papers and records.

*Ordered* — That Mr. *Durand*, Mr. *Harmanus Smith*, Mr. *Thorburn*, Sir *Allan M.Nab*, and Mr. *Price*, do compose the said Committee.

Motion for adding a member to a Com.

Mr. *Hamilton* moved, seconded by Mr. *Derbishire*, that a member be added to the Committee to which was referred the Bill to amend a certain Ordinance passed in the third year of Her Majesty's Reign, intituled "*An Ordinance to provide permanently for the want of 'Notaries in the Inferior District of Gaspé, and to remove doubts therein mentioned.'*"<sup>25</sup>

The question having been put upon the said motion, a division ensued, and it passed in the negative.

Petition from County of Drummond praying for a Survey.

A Petition of divers Proprietors, residing in the third range of the Township of *Durham*, County of *Drummond*, was presented to the House by Mr. *Watts*, and the same was received, and read ; setting forth : — That the line between the 2nd and 3rd range of said Township is materially incorrect, from Lot No. 13 to Lot No. 28, as has been proved by three sworn Surveyors employed by petitioners to survey the same, and subsequently by a Surveyor sent for the purpose by the late Surveyor General of *Lower Canada*.

Petitioners therefore pray that a new survey of the said line may be ordered, the expense attending which they are willing themselves to defray.

Petition referred.

*Resolved* — That the said Petition be referred to a Special Committee of five members to examine the contents thereof, and report thereon with all convenient speed, by Bill or otherwise, with power to send for persons, papers and records.



Committee formed.

*Ordered* — That Mr. *Watts*, Mr. *Killaly*, Mr. *Child*, the Honourable Mr. *Moffatt* and Mr. *Moore*, do compose the said Committee.

Petition from Stanstead for the Bible to be used, as a class Book, in schools.

A Petition of the Inhabitants of *Charleston*, *Hatley*, and its neighbourhood, in the County of *Stanstead*, was presented to the House by Mr. *Child*, and the same was received and read, setting forth : (*vide*

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petition of the Clergyman and Members of the Church of England in St. Armand West — page 69.)

*Ordered* — That the said Petition do lie upon the table.

On motion of Sir *Allan McNab*, seconded by the Honourable Mr. *Moffatt*,

*Resolved* — That the ordinary routine of the daily proceedings in this House, in the transaction of business, be as follows : (after reading the minutes of the preceding day)

BRINGING UP PETITIONS.

THIRD READING OF BILLS AND ADDRESSES.

READING PETITIONS.

REFERRING PETITIONS.

NOTICES TO BE GIVEN.

PRESENTING REPORTS, (by standing and select committees.)

ORDERS OF THE DAY.

Order of proceedings in the House.

Copy of Order of proceedings to be laid upon Speaker's table, and hung up in Lobby every morning.

*Ordered* — That the Clerk of this House be directed to lay on the Speaker's table, every morning previous to the meeting of the House, the order of the proceedings for the day ; and that a copy of the same be hung up in the lobby, for the information of members.

Motion for adopting a mode of appointing Special Committees.

Sir *Allan McNab* moved, seconded by the Honourable Mr. *Moffatt*, that in the appointment of special committees by this House, when the committee to be appointed shall be composed of *five* members, or less, the member moving for the same shall name the persons to compose said committee, subject to alteration by the House, and that when the committee to be formed is to consist of more than *five* members, it shall be first determined, the number of which it shall consist ; then each member shall write on a slip of paper the names of as many members as are to form such committee, and deliver the same to the Clerk, who shall thereupon examine the said Lists, and report to the Speaker, for the information of the House, who have most voices in their favour ; and if any difficulty should arise, by two or more having an equal number of voices, the sense of the House shall be taken as to the preference.

Consideration of Quest. postponed.

*Ordered* — That the consideration of the said motion be postponed.

Com. on petition of divers freeholders, of Gore District, report "Sydenham Mountain Road" Bill.

Mr. *Durand*, from the select committee to which was referred the Petition of divers Freeholders residing in the District of *Gore*, with power to report by Bill or otherwise, presented to the House a Bill to establish a company, by the name of the "*Sydenham Mountain Road Company*," which was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Friday* next.

Petition of Monsieur Taylhades referred to a Committee.

*Resolved* — That the petition of *Jacques Alexandre Taylhades*, gentleman, be referred to a Committee of five Members, to examine the contents thereof, and report thereon, with all convenient speed ; with power to send for persons, papers, and records.

Committee formed.

*Ordered* — That the Honourable Mr. *Moffatt*, Mr. *Holmes*, the Honourable Mr. *Viger*, Mr. *Parent*, and Mr. *Aylwin*, do compose the said Committee.

Petition against the election of J. M. Strachan, to be considered on 5th July next.

On motion of Mr. *Prince*, seconded by Mr. *Child*.

*Ordered* — That the petition of *William Dunlop*, of *Gairbraid*, in the county of *Huron*, Esq. complaining of the undue election and return of *James McGill Strachan*, Esquire, be taken into consideration by this

Notice of same to be given to parties.

House on the *fifth* day of *July* next, at the hour of *three* o'clock P. M. and that notice to that effect, in writing, be forthwith given, by the Speaker, to the Petitioner and the sitting Member, according to the

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provision of the second clause of an Act passed by the Parliament of *Upper Canada*, during the fourth year of the Reign of His late Majesty GEORGE the IV, chap. IV.

Order of the day on certain orders of Lower Canada on elections postponed.

The Order of the day for the House in Committee to consider the orders adopted by the late House of Assembly, of *Lower Canada*, for regulating its proceedings in cases of contested elections in that Province, being read,

*Ordered* — That the said Order of the day be postponed until *Wednesday* next, at *ten* o'clock A. M.

Also the Order of the day for second reading of disabled and infirm Bill.

The Order of the day for the second reading of the Bill for the relief of disabled and infirm persons, being read,

*Ordered* — That the said Order of the day be postponed until *Wednesday* next.

Also second reading Usury Law.

The Order of the day, for the House in Committee to consider the propriety of amending the Usury Laws of this Province, being read,

*Ordered* — That the said Order of the day be postponed until *Friday*, the *second* of *July* next.

Also second reading, bill to enable members to vacate their seats.

The Order of the day for the second reading of the Bill to enable Members of the Legislative Assembly, for places within that part of the Province formerly constituting the Province of *Upper Canada*, to vacate their seats in certain cases, and for other purposes, being read,

*Ordered* — That the said Order of the day be postponed, until *Friday* next.

Also a committee of whole, on West Guillimbury road, and bridge bill.

The Order of the day for the House in Committee on the Bill to amend an Act of that part of the Province formerly called *Upper Canada*, entitled "*An Act to provide for the making and keeping in repair the West Gwillimbury Road and Bridge and to authorize the erection of a Toll Gate thereon*," being read,

*Ordered* — That the said Order of the day be postponed until *Wednesday* next.

Then on motion of the Honourable Mr. *Viger*, seconded by Mr. *Raymond*,

The House Adjourned.

#### Appendix, 28 June 1841.

##### ((Withdrawn Petition for Grant of Money.))<sup>26</sup>

Mr. Small presented a petition....<sup>27</sup> from an individual, praying for remuneration for the loss of a horse, when employed in carrying Government despatches. The hon. member was surprised (sic) that so long a time had been permitted to elapse without this honest claim being adjusted. — He (Mr. Small) knew the circumstances, and that the individual had in vain applied to the Government — he trusted, however, that this course would not be persisted in.<sup>28</sup>

The Speaker ((Mr. Cuivillier)) observed that the petition could not be received by the house, as it was asking for a grant of money, unless the hon. member had complied with the rule which required the consent of His Excellency to be first obtained.<sup>29</sup>

Mr. Small said he had not obtained that consent, and he wished the question to be settled once for all as to whether upon presenting a petition to that house, it was necessary to obtain such consent. Because he wished most distinctly to repudiate the principle that no petition could be entertained by that house, without having first obtained the consent of the government. He was aware that by a clause in the Union Act, no grant of money for public purposes could be obtained without the consent of the Executive; but he would protest, if he should stand

alone in that question — that for the presentation of a petition of this nature he would ask the permission of no human being. (Hear, Hear.)<sup>30</sup>

**Mr. Thorburn** said he believed if the hon. gentleman had consulted the statutes of this Province, he would have found the relief he seeks for. The sum of £40,000 had been appropriated for the payment of losses of this nature. As regards the right to petition, that certainly was a subject which ought to be considered.<sup>31</sup>

**Col. Prince** said he entirely concurred in what had fallen from the hon. gentleman for the third riding of York as to the right of petitioning on all occasions (hear, hear.) He (Col. Prince) would be the last man to admit that even the Queen herself, much less her Representative, had a right to dictate the terms upon which petitions should be received by that house. Upon consulting the Act of Union he found it was Bills for the appropriation of money which required to be originated by the government; but as to the right of petitioning, they might as well abolish *Magna Charta* at once, as to take away that right. He begged, therefore, with great humility, to differ with the opinion which had been expressed by the Speaker.<sup>32</sup>

**Mr. Cameron** observed that he had a few days ago presented a petition from certain gentlemen engaged in the lumber trade; but because that petition contained a suggestion that money should be expended for the improvement of the navigation of the Ottawa, he had deemed it advisable in accordance with the recommendation of the house to send to the head of the Government for its approval; on consideration however, he felt convinced that it arose from a misapprehension of the provisions of the Act of Union.<sup>33</sup>

The Speaker ((**Mr. Cuvillier**)) here observed that, in his opinion, no petition praying for a grant of money for any purpose whatever, could be received by that house.<sup>34</sup>

**Mr. Att'y Gen'l Draper** was quite certain that no officer of the Government wished to prevent any member from presenting petitions, on any subject, to that house. The practice was governed by a rule of the house, which might be rescinded at any time.<sup>35</sup> Mr. Draper referred to the rule of the House adopted from Lower Canada, militating against the motion — but he was told that it had been struck out.<sup>36</sup>

**Mr. Aylwin** said that although he was free to admit the cogency of the observations of the hon. and learned member for Essex, that it was exceedingly desirable to prevent any restrictions upon the right of petitioning, yet he was bound to state that according to the parliamentary practice in England, and the rules adopted in the Lower Canada Legislature, no application for an appropriation of money could be entertained until it had received the sanction of the head of the government. The rule, he thought, should be complied with, (no, no,) and to confirm his opinion he would refer to authorities on the subject. (Mr. Aylwin then read a second extract.) He could not conceive that this was an invasion of the privileges of the House, as it was in strict conformity with the practice in the House of Commons in England, as well as of the House of Assembly in Lower Canada. He made these observations because no one felt more forcibly than himself the importance of preserving inviolate the rights of the subject and the privileges of Parliament.<sup>37</sup>

**Mr. Viger** addressed some remarks to the House but in so low a tone of voice that we could not gather the purport of them.<sup>38</sup>

**Mr. Small** stated that the course which had been pursued in the Upper Canada Legislature was, that all petitions should be received as a matter of course, and laid on the table; after two days they were read, and if any thing improper was found to be contained in them, the member introducing such petition was expected to withdraw it. It would be perfectly absurd and ridiculous if a petition complaining of oppression on the part of the Executive must first be presented to the Executive and their consent obtained for its introduction to the House. If it had been the rule heretofore in Lower Canada, it was a very bad rule, and it was one which the people of Upper Canada would never submit to. The people may petition against any act of the Executive, and it would be the duty of the House to receive their petition.<sup>39</sup>

**Mr. Baldwin** said he certainly agreed with the hon. gentleman who had last spoken, that the people of this Province had an undoubted right to petition that House respecting any grievances under which they may labour: but it appeared to him that there was a misapprehension existing with regard to applications for a grant of money. There could be no great



danger in adopting the course which had been uniformly pursued in England. It was undoubtedly true that where a party comes to that House complaining against the Executive, the House has a right to receive the petition; but where a party comes to that House asking for a vote of money, it was altogether a different affair. It is a petition of the latter character to which the objection applies. It appeared to him that as it was admitted there could be no steps taken by the House, although ((if)) the petition were received, according to the provisions of the Union Act, the more decorous course towards the House itself would be, that those steps which must become necessary before any definite action of the House can take place, should be complied with previous to the presentation of the petition.<sup>40</sup>

**Capt. Steele** said it appeared to him that all difficulty might easily be resolved by asking the gentlemen on the Treasury benches whether they had any objection to the petition being received and acted upon.<sup>41</sup>

**Mr. Small.** — I say without hesitation that I will ask no man living. (A laugh.)<sup>42</sup>

**Mr. Moffatt** wished to be informed whether the hon. gentlemen had any objection to receiving the petition.<sup>43</sup>

**Atty. Gen. Draper** said that as to the reception of petitions, it was entirely a matter for the house itself to regulate.<sup>44</sup>

**Mr. Moffatt** said, that no one objected to the bringing up of the petition — acting upon it was another thing.<sup>45</sup>

**Mr. Aylwin** said he regretted to find the hon. and learned Atty. General pursuing the course he did. As an occupant of the ministerial benches he has an interest in upholding the rules of the house in this matter. You, Mr. Speaker, in your official capacity have already decided that no such petition ought to be received. He (Mr. Aylwin) was far from approving of the provisions of the Union Bill as regards restrictions upon matters of this nature; there was no member in that house who could possibly view with greater feelings of horror than he did, some of the provisions of the Union Bill, but *ita lex scripta est*, and it was the business of that house to acquiesce in the law such as it exists.<sup>46</sup>

**Mr. Viger** argued the propriety of adhering to the rule as a matter of convenience to the house. It was a rule which prevailed in the House of Commons in England, and which had been followed in the Legislature of Lower Canada. He had no hesitation in saying that the House of Commons had pursued the practice for the conveniences of the House itself.<sup>47</sup>

**Mr. Simpson** stated that the hon. member was altogether incorrect regarding the practice of the House of Commons in England. There no petitions are refused.<sup>48</sup>

The Speaker ((**Mr. Cuvillier**)) said it was due to himself to explain the grounds upon which he had decided that the petition could not be received. By a rule of the House of Commons no petition praying for a grant of money can be received without the consent of the King or his ministers, they had acted on this rule as late as the year 1819. (The Speaker here read the rule.)<sup>49</sup>

**Mr. Black** said his views coincided with those of the hon. member for Richelieu: (Mr. Viger) that the rule was one of convenience only. It was a matter of Parliamentary practice, and was a fitting subject for the consideration of the house whether they would be guided by the same practice. There would be no appropriation of the revenue, it is true without the consent of the head of the government....<sup>50</sup> This was a case which did not come within the letter of that law, and was consequently a question for the decision of the house itself. That provision in the Union Act had been denounced as unconstitutional, and at the same time it was endeavored to bring within the same provision that to which it was never intended to apply (hear, hear.) He (Mr. Black) would be exceedingly sorry to deprive the subject of the right of petitioning on all occasions; he hoped if they should finally decide against the reception of the petition, that the hon. member from the third riding of York would appeal from that decision.<sup>51</sup>

**Sir Allan MacNab** desired that the hon. gentleman would withdraw his motion. He hoped he would neither appeal to the house nor call upon the Speaker to make a decision.<sup>52</sup>

**Mr. Small** said he was willing to consult the convenience of the house, and in order to do that he would take the sense of the house itself. He would be very sorry to appeal against the

decision of the Speaker ; he appreciated the motives which had influenced his decision. He (Mr. Small) did not consider that such an one as would come within the rule. It was not a petition praying for public aid, and the committee would perhaps recommend an address to His Excellency praying that His Excellency would order the man to be remunerated. His object and intention was to bring the matter under the notice of ministers in the hope that they would advise his Excellency to comply with the prayer of the petition ; he would now move for leave to withdraw the petition.<sup>53</sup>

**Mr. Moffatt** observed that the House had recently adopted certain rules for its guidance, and having deliberately omitted the adoption of this particular rule of the House of Commons, he did not consider that the House was at all bound to follow it.<sup>54</sup>

**Col. Prince** said it was his intention to say very few words of the question before the House, but he was one of those who are so tenacious of the rights and privileges of the subject, that whenever a question of this kind arises, he would dissent from the hon. member's right to withdraw his motion until a determination could be arrived at. Sir, (said Col. Prince,) I reverence the Chair on all occasions, and with its decisions I consider the dignity of the House to some extent involved. I would not compromise that dignity by annulling any necessary restrictive rule, but when you reflect that in matters of this kind its discontinuance does not in the least infringe upon the provisions of the Union Act, I say the rule should be abrogated in favor of the rights and privileges of the subject. But as regards the petition there is one consideration which hon. members seem to have overlooked ; it was that which had been suggested by the hon. member for Lincoln, that it is a matter which falls within the scope of the Act which was passed in the last Upper Canada Parliament. Why that Act had not gone into effect — why commissions had not been issued, seemed certainly to him perfectly unaccountable. Why the just and natural claim of the country had not been attended to, was to him (Col. Prince,) a matter, he was going to say of disgust, but certainly of astonishment. It was, to say the least of it, an unjust, unjustifiable, and, he thought, illegal proceeding. He could not consent that the petitions (sic) should be withdrawn, for he looked upon it as a dangerous precedent.<sup>55</sup>

**Mr. Small** consented ; — although with all deference to the chair, he did not think that the objection applied in this case.<sup>56</sup>

**Mr. Draper** suggested, that a courteous respect for what had fallen from the chair, and a desire to shield the House from an embarrassing position, pointed out the propriety of withdrawing the motion.<sup>57</sup>

**Mr. Boswell** would again take occasion to say that they could not go far astray so long as they were willing to take the parliamentary practice in England for their guidance. Hon. members who were so desirous of being considered strong advocates for the rights and privileges of the people might feel quite satisfied so long as the same degree of liberty was accorded to them and to the country as are enjoyed by our fellow subjects in England, and he believed it would be admitted that they enjoyed as great a degree of liberty as any people in the world. It was in consequence of the inclination which had been shown in both Provinces not to adhere so closely to the practice at home as they ought to have done, that the clause which had been so frequently adverted to had been introduced into the Union Bill. He (Mr. Boswell,) certainly objected to that clause upon principle, but compliance with the provisions of the Act he considered to be, for the present, imperative upon the House.<sup>58</sup>

The petition was then withdrawn.<sup>59</sup>

#### ((Recognizances Reported.))

The Speaker ((**Mr. Cuivillier**)) reported that the recognizances for the town of Niagara contested election had been entered into.<sup>60</sup>

Footnotes — 28 June 1841.

1. BRITISH COLONIST, 7 July 1841.

2. IBID.

3. IBID.

4. IBID.

5. IBID.

6. IBID.

7. IBID.

8. IBID.

9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. According to the **BRITISH COLONIST**, 7 July 1841, the result of Cameron's motion was otherwise : "some discussion arising thereon relative to the great importance of such a measure, in which Messrs. Cameron, Aylwin, Moffatt, and Black were prominent, it was agreed by the hon. mover to confine the motion to a notice."
17. **BRITISH COLONIST**, 7 July 1841.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. **BRITISH COLONIST**, 7 July 1841, remarked that after Mr. Small presented this bill, "The routine business was then gone into, but so much confusion prevailed, many members continually rising up, and speaking at once, that it was impossible to give any correct detail of the proceedings."
25. "Mr. Hamilton, in applying for a Member to be placed on a Committee, in room of Mr. Morin, (who is now absent) stated that he had understood that that gentleman intended to vacate his seat. — (*Order, order.*)" **MONTREAL GAZETTE**, 1 July 1841.
26. Reports of this debate are found in : **KINGSTON CHRONICLE**, 3 July 1841 ; **BRITISH COLONIST**, 7 July 1841 ; **WESTERN HERALD**, 16 July 1841 ; and commentaries on it are found in : **LE CANADIEN**, 2 July 1841 ; **ST. CATHARINES JOURNAL**, 15 July 1841.
27. **WESTERN HERALD**, 16 July 1841.
28. **BRITISH COLONIST**, 7 July 1841.
29. **KINGSTON CHRONICLE**, 3 July 1841.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. **WESTERN HERALD**, 16 July 1841.
35. IBID.
36. **BRITISH COLONIST**, 7 July 1841.
37. **KINGSTON CHRONICLE**, 3 July 1841.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. **BRITISH COLONIST**, 7 July 1841.
46. **KINGSTON CHRONICLE**, 3 July 1841.
47. IBID.
48. IBID.
49. IBID.
50. The end of this sentence, and the beginning of the following sentence, have been cut away from the microfilmed newspaper.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. IBID.
56. **BRITISH COLONIST**, 7 July 1841.
57. IBID.
58. **KINGSTON CHRONICLE**, 3 July 1841.
59. **BRITISH COLONIST**, 7 July 1841. This petition was presented again on 5 July 1841. See page 219.
60. **MONTREAL GAZETTE**, 7 July 1841.



## Wednesday, 30 June 1841.

10 o'clock, A.M.

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*Etienne P. Taché* Esquire, member for the county of *L'Islet*, having previously taken the oath according to law, and subscribed before the Commissioners the roll containing the same, took his seat in the House.

Mr. Taché,  
takes his seat.

Petitions brought up.

The following petitions were severally brought up and laid on the table :

Rev. Wm. Shorts.

By Mr. *Cook*, the petition of the Reverend *William Shorts*, of *Williamsburg*.

W. W. Baldwin,  
and others.

By Mr. *Small*, the petition of *W. W. Baldwin*, and others, of the county of *York*, and City of *Toronto*.

Mungo Murray,  
and others.

By Mr. *Christie*, the petition of *Mungo Murray*, and others, in-

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habitants of *Shoolbred*, on the *Ristigouche*, county of *Bonaventure*, and the petition of *Norman McLeod*, and others, inhabitants residing on the river *Ristigouche*.

Bank of  
Upper Canada.

By Mr. *Buchanan*, the petition of the President, Directors and Company of the Bank of *Upper Canada*; and the Petition of the President, Directors and Company of the Bank of *Upper Canada*.

Another from same.  
A. Van Vleck, Pruyn.  
Alfred H. Blake.

By Mr. *Roblin*, the petition of *Abraham Van Vleck Pruyn*, of the town of *Picton*, Physician; and the Petition of *Alfred H. Blake*, of the town of *Picton*.

Bank of Montreal.

By Mr. *Holmes*, the Petition of the President and Directors of the Bank of *Montreal*.

Petitions referred.

*Ordered* — That the Petition of divers Inhabitants of the *Gore* District, presented to the House on the *twenty-second* instant, be referred to the committee appointed to report upon the Turnpike trusts, in the *Gore* District.

Inhabitants,  
Gore district.

*Resolved* — That the Petition of *Donald Calder*, and divers others, of the Township of *Thorah*, in the county of *Simcoe*, be referred to a committee of five members, to examine the contents thereof, and to report thereon, with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Donald Calder,  
and others.

*Ordered* — That Captain *Steele*, Sir *Allan MacNab*, Mr. *Williams*, the Honourable Mr. *Dunn*, and the Honourable Mr. *Killaly*, do compose the said Committee.

Committee formed.

Alpheus Todd.

*Ordered* — That the Petition of *Alpheus Todd*, of the city of *Toronto*, Deputy Librarian to the late Provincial Assembly of *Upper Canada*, be referred to the Special Committee appointed to enquire what assistance it will be necessary to afford to the Clerk, and what offices and departments it will be expedient to establish, for the effective and orderly conduct of the business of this House.

On motion of the Honourable Mr. *Moffat*, seconded by Mr. *Buchanan* :

*Resolved* — That this House will, on *Wednesday*, the *fourteenth* of *July* next, resolve itself into a committee of the whole, to take into consideration the expediency of allowing the exportation, from this Province, of Flour and Meal, Pot and Pearl Ashes, and Beef and Pork,

House to go into  
committee of whole,  
on Inspection Laws,  
on 14th July next.

without inspection, and of amending and consolidating the laws now in force in this Province in relation to the inspection of the said commodities.

Report of Special Com. on subscription for Newspapers.

Mr. *Simpson* from the Special Committee to which was referred the subject of the subscription of the House to the Public News-papers of the Province, presented to the House the report of the said committee, which was again read, at the Clerk's table, as followeth : —

"Your committee deemed it advisable to summon the proprietors of the various newspapers of this Town before them for the purpose of ascertaining the best practical method of giving a correct report of the proceedings and debates of your Honourable House to the public.

That the witnesses, almost unanimously, were of the opinion that encouragement in some way should be afforded by Your Honourable House to assist in defraying the expenses of such reporting.

That your Committee have concluded to recommend to Your Honourable House that the Clerk be instructed to procure from the Proprietor of the *Canadian Mirror of Parliament*, five hundred copies of each publication, for the use of members, at the rate of five shillings currency each, per month, and that the same be charged in the contingent accounts of your Honourable House.

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Your committee have directed their Clerk forthwith to communicate to the several proprietors of newspapers of the Province, that are printed in the French language, a request that they will furnish your committee with the terms upon which they will publish the Debates of your Honourable House in their respective newspapers, in the French language, as they may be given in the *Mirror* during the present Session ; the result of which your committee will make the subject of a subsequent report."<sup>1</sup>

Mr. *Thorburn* suggested the propriety of going into committee of the whole house upon it, as a vote of money was recommended.<sup>2</sup>

Mr. *Hamilton* desired to know if the motion was in order. A few days ago an application similar to the present one was made to that house to subscribe for a certain number of copies of the *Mirror of Parliament*. That motion was negatived (no, no.) I maintain that the application was negatived, and I cannot in three days' time forget what took place then. He would refer to the journals of the house for the correctness of what he had stated. His principal objection against the application which had then been made was that he considered it would be an act of injustice towards all other papers published in the town of Kingston. Another objection was that the reports contained in the *Mirror* were partial reports (hear, hear), and words were put in the mouths of hon. members which they never uttered (hear, hear). It would be a perfect waste of the public money ; and as the *Mirror of Parliament* was published only in the English language, it would be giving an undue preference to English members ; they would have their speeches reported and French members would not have theirs, consequently the French portion of the House would be paying for the convenience of the English portion. The third ground of objection was that there was no necessity whatever for the measure. If hon. members desired their constituents to be made aware of what they say, they might put their hands in their pockets and pay for the reporting. This would be much better than involving that house in an expense of this kind.<sup>3</sup>

Mr. *Ogden* was of opinion, that the house ought to go into committee of the whole upon it.<sup>4</sup> Attorney-General Ogden observed that the objection which had been taken against the immediate adoption of the report was perfectly correct. When an application for money was made the house ought to go into committee (sic). He would take this opportunity of stating that he had been altogether misrepresented in the language which had been imputed to him in that paper, in stating that he declared himself the servant of a majesty of that house instead of what he actually did say, that he was the servant of her Majesty. There was certainly a very wide distinction. (Hear, hear.)<sup>5</sup>

**Mr. Thorburn** said it was a subject for consideration whether or not the house would not, by allowing a proposition of this kind to be brought forward a second time, stultify itself.<sup>6</sup>

**Colonel Prince** said that as one of the committee who had made the report he felt it to be his duty to say a few words respecting it, in reply to the objections which had been urged against its adoption. It was true that a motion for subscribing to the *Mirror of Parliament* for one month had been made by himself, that that motion was negatived, and that immediately after the hon. member for Vaudreuil had moved that the subject be referred to a select committee, which was carried in the affirmative and resolved accordingly. He was willing to admit that according to a rule of the house when a motion had been once negatived the same identical motion could not be received, but the present report was founded upon the action of the house, and was drawn up in accordance with the views of the committee appointed to investigate the subject. Then with regard to an objection stated by the hon. member from Bonaventure, (Mr. Hamilton), it could be no hardship upon the French population of the country, because the second part of the report goes on to say that the clerk of the house should be directed to ascertain from the proprietors of newspapers printed in the French tongue the best mode of having these debates translated and published, so that that point had not been overlooked.<sup>7</sup>

**Mr. Johnston** said he had opposed the motion the other day, and he should still do so; it was well calculated to lengthen out the session. (Hear, hear.) If he, (Mr. Johnston) had five hundred copies of all the debates, he would lay them aside and not let his constituents see them at all. (Hear, hear, hear.) — They would be less likely to form an opinion that their Representatives could find nothing to do but to cavil and fritter away the time of the Session uselessly.<sup>8</sup>

**Mr. Hale** should not consent that the House should concur in the Report. Those newspapers which furnished the best reports he believed would have the best patronage, and he would leave the matter entirely to the publishers. Another reason, perhaps, which influenced some hon. members, and made them so desirous that what they say should be ...<sup>9</sup> might possibly be an election at a future day at which those hon. gentlemen would be candidates, and they were therefore desirous of creating a feeling of confidence in their favor. He would move in amendment that the Report be adopted on this day six months.<sup>10</sup>

**Mr. Thorburn** desired to be informed by the Chair whether the original motion for the adoption of the Report was in order.<sup>11</sup>

The Speaker ((**Mr. Cuuvillier**)) decided that it was not in order, as it was asking for a grant of money.<sup>12</sup>

**Sir Allan MacNab** said he believed the majority of the House was in favor of having the reports go to the country. He (Sir Allan) was in favor of giving publicity to their proceedings, for the very reason which had been ironically alluded to by an hon. member, that the constituents of hon. members might have an opportunity of judging of their conduct — He believed the Chairman of the Select Committee, however, had been premature in moving for the adoption of the Report. It would be as well to allow it to remain upon the table until to-morrow.<sup>13</sup>

**Mr. Hale** proposed an amendment which being founded upon the original motion, was pronounced to be irregular.<sup>14</sup>

**Mr. Simpson** remarked that it was extremely discourteous towards the committee which have been appointed by the house to enquire into this matter and report upon it, that the house should refuse to receive their report.<sup>15</sup>

**Sir Allan MacNab.** — The Speaker has already decided that the original motion is irregular, the amendment is therefore irregular also.<sup>16</sup>

(99)

Report referred to  
Committee of whole.

*Ordered* — That the said report be referred to a committee of the whole House to-morrow.

**Mr. Morris**, from the Standing Committee appointed to superintend the printing of the House during the present Session, presented to the House the second report of the said committee, which was again read at the Clerk's Table, as followeth : —

2nd Report from Com-  
mittee on Printing.



"Your Committee have considered the Tenders of the Printers, for the Printing required by your Honourable House.

"From the statement hereunto annexed, it appears that the Tender of Messrs. Desbarats and Cary is the lowest; and your Committee are of opinion that they are entitled to the work.

"There will be a separate charge for the paper used in doing the printing of your Honourable House; and your Committee having examined the specimens of paper accompanying the Tender of Messrs. Desbarats and Cary, are satisfied with the quality and price." <sup>17</sup>

The discussion upon reporting was again renewed....<sup>18</sup>

**Mr. Hamilton** said he should also oppose that motion, and in order to be very brief, he would at once move that the report be taken into consideration this day *five* months, as six months hence there might be another session of parliament.<sup>19</sup>

**Mr. Hincks** said he hoped the house would not concur in the amendment; it was treating the committee with very little courtesy. He (Mr. Hincks) would be prepared at the proper time to discuss the question; to do so at the present was quite disorderly, although many hon. members had paid no attention to the impropriety. It was a question upon which a great deal of interest is taken by the country.<sup>20</sup>

**Mr. Aylwin** said he had the misfortune to differ with the hon. gentleman. He concurred in the remarks which had been made by the learned Attorney General Ogden. He was persuaded that the measure which the committee had recommended was completely at variance with every constitutional principle, and he would go farther and say it was anti-British. As one of the members of that committee he had been obliged to co-operate with that committee in procuring information, but he was opposed to the principle of the proposition which had been introduced into the report, and he had heard nothing as yet which would induce him to alter his determination in any way. He would support the amendment.<sup>21</sup>

**Mr. Thorburn** said he thought the house ought at all events to allow the report to be considered in committee of the whole. It would be a direct insult upon the act of the house itself to refuse to consider that report.<sup>22</sup>

**Mr. Baldwin** said he certainly concurred entirely in what had fallen from the hon. gentleman who had just spoken, and dissented from the hon. member for Portneuf. It was a subject upon which the constituents of the country take a deep interest, and he conceived it to be the duty of every hon. member to assist in affording them all the information in their power; all that was desired at present was that the plan presented by the committee should be considered by the house, and he certainly thought that that consideration was due to the committee themselves.<sup>23</sup>

**Mr. Hamilton.** — Hon. members complain that the committee is treated with little courtesy. I think it is treating this house with very little courtesy to bring forward a proposition a second time which had been once rejected.<sup>24</sup>

**Atty. Gen. Ogden** said that out of deference to the Committee, he for one would be disposed that the report should be considered, but his mind was firmly made up beforehand. It is not by reporting incorrectly that information is afforded to the constituency of the country. He would rather the country should judge from the result of the session than from the reports of the debates as to the faithfulness and industry with which they carried on the business. (Hear, hear.) He trusted hon. members would consider how important it was to preserve inviolate the privileges of the house. Were they to be told that the publication of the debates were a part of their contingencies, and consequently a part of their privileges. (Hear, hear, hear.) <sup>25</sup>

**Mr. Moffatt** was not disposed to refuse to take into consideration the report of the committee; but he begged hon. members would reflect upon this point, that although they were authorised to apply the public money in transacting the business of the house and of the country, yet he did not think their right extended so far as to allow them to subscribe for newspapers. It would be opening a dangerous precedent.<sup>26</sup>

**Mr. Simpson** observed that he had been informed the House of Assembly in Upper Canada had been in the habit of paying £300 a year for reporting, and he thought if that principle

were acted upon, surely the subscribing for a certain number of papers which contained the debates was far less objectionable.<sup>27</sup>

**Mr. Cook** declared that the House of Assembly of Upper Canada had had more trouble with reporters and publishers than they had with all the business of the country. (a laugh.)<sup>28</sup>

**Mr. Black** regarded the proposition as entirely novel. In England, it was effected by private enterprise. The plan in view might suit the United States, but British practice did not sanction it. The hon. and learned gentleman approved of the speeches being reported with accuracy and in detail, and condemned the insinuations that had been indulged in by some hon. gentlemen regarding the motives of those who had advocated an encouragement of the *Mirror*. If it was desired that the proceedings of the house should go forth to the country, those who did desire it, should pay the expense, and the matter would be disposed of at once. He would however vote for receiving the report.<sup>29</sup>

**Mr. Durand** said the hon. gentlemen must recollect the very great difference there is between the circumstances of England and of this country. Something more than the ordinary newspaper patronage was necessary here to induce reporters to give their attention to reporting the debates of the House of Assembly.<sup>30</sup>

**Sir Allan MacNab** said, that if it was a misapplication of the public money to subscribe for 500 copies of the *Mirror*, upon the very same principle it was equally a misapplication to subscribe for any papers at all, and that those which they did subscribe for already, would fall within this condemnation. As regarded what had been said relative to the incorrectness of the reports, the gallant Knight was perfectly ready to acknowledge the graveness of a charge, having the culpable effect of infusing a spirit into that dullness which would otherwise pall upon the senses of those who seek for information among the oracles of legislative wisdom. He (Sir Allan) could not exactly comprehend the refinement of the Attorney General Ogden's distinction between being the servant of the majority of that house, and the servant of the Crown. They (Ministers) had taken upon themselves the harness, and the question was, who held the reins? <sup>31</sup>

The amendment was then withdrawn, and after a few observations from **Mr. Hincks**, the original motion was carried.<sup>32</sup>

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*Ordered* — That the said report be referred to a committee of the whole House to-morrow.

Turner's relief Bill  
reported and read  
1st time.

**Mr. Price**, from the Special Committee, to which was referred the Petition of *Robert J. Turner*, of the Town of *Kingston*, with power to report by Bill or otherwise, presented to the House a Bill to permit *Robert J. Turner* to practise as Solicitor in the Court of Chancery; which was received and read for the first time.

*Ordered* — That the said Bill be read a second time to-morrow.

Freedom of Election  
Bill to be read 2nd  
time this day week.

*Ordered* — That the Bill the better to provide for the freedom of elections throughout this Province, and for other purposes therein mentioned, be read a second time on this day week.

Bill to be printed.

*Ordered* — That 200 copies of the said Bill be printed in the English and French languages, for the use of the members of this House.

Leave of absence to  
**Mr. Campbell**.

*Ordered* — That **Mr. Campbell** have leave to absent himself from this House during the space of a week.

Address for returns  
of duties collected  
in Gaspé.

On motion of **Mr. Hamilton**, seconded by **Sir Allan MacNab**,

*Resolved* — That an humble Address be presented to His Excellency the Governor General, praying His Excellency to direct the proper officer to lay before this House, a statement of the nett amount of duties collected at the several ports in the District of *Gaspé*, since the year one thousand eight hundred and thirty-five, inclusively; also a detailed statement of the amount of public money, appropriated for, and expended in the said District, since the year one thousand eight hundred and thirty five, inclusive.<sup>33</sup>

*Ordered* — That **Mr. Hamilton**, **Sir Allan MacNab**, **Mr. Simpson**, and **Mr. Gilchrist**, do present the said Address to His Excellency, the Governor General.

Select Committee, on  
Currency, appointed.

Mr. *Holmes* moved, seconded by Mr. *Dunscumb*, that a select Committee be appointed to inquire and report to this House such measures as will most readily equalize the rates of Exchange, and assimilate the currency throughout this Province; with power to send for persons, papers, and records; and that the said Committee do consist of the following gentlemen, viz: the Honourable Mr. *Dunn*, Mr. *Dunscumb*, Mr. *Burnet*, Mr. *Cameron*, Mr. *Cartwright*, Mr. *Morris*, the Honourable Mr. *Moffatt*, and Mr. *Hincks*, and that the *seventy-seventh* rule of this House be dispensed with so far as relates to this motion.

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Mr. *Johnston* moved, in amendment, seconded by Mr. *Merritt*, that Mr. *Aylwin* and Mr. *Neilson* be added to the said Committee.

The question having been put, upon the motion of amendment, a division ensued, and it was carried in the affirmative.

The question being then put upon the main motion, as amended, it was agreed to unanimously, and —

*Resolved* accordingly.

Mr. *Simpson* moved, seconded by Captain *Steele*, that this House will, *to-morrow*, resolve itself into Committee of the whole House, to consider the expediency of repealing the Act of the late Province of *Upper Canada* 6th, Wm. 4th, Chap. 27.<sup>34</sup>

The Honourable Mr. *Moffatt*, seconded by Mr. Attorney General *Draper*, moved the previous question, viz:

Shall the question be now put?

A division ensued and it passed in the negative.

On motion of Mr. Attorney General *Draper*, seconded by Mr. *Small*,

*Resolved* — That this House will, *to-morrow*, resolve itself into a Committee of the whole House, to take into consideration the state of the Law relative to the Court of Requests, in that part of the Province formerly called *Upper Canada*.

House to go into  
Committee to-morrow,  
on Court of Requests  
Law.

On motion of Captain *Steele*, seconded by Mr. *Williams*,

*Resolved* — That this House will, *to-morrow*, resolve itself into Committee of the whole House, to consider the expediency of authorizing an additional loan to complete the Court House and Gaol of the District of *Simcoe*.

Also on subject of  
Loan for Gaol  
and Court House,  
in County of Simcoe.

The Speaker communicated to the House the following letter:

CHIEF SECRETARY'S OFFICE, 30th JUNE, 1141.

Royal Assent to be  
given to Heir  
and Devisee Bill,  
to-morrow.

SIR, — I am commanded by the Governor General to inform you that it is His Excellency's intention to proceed to the Legislative Council Chamber *To-morrow* at a quarter past two o'clock, for the purpose of giving His assent to the Bill which has been passed by the Legislative Council and Assembly, intituled "*An Act to alter, for a limited period, the place of sitting of the Heir and Devisee Commission of the late Province of Upper Canada, and for other purposes therein mentioned.*"

I have the honor to be, Sir,

Your most obedient servant,

T. W. C. MURDOCH, Chief Secretary.

*The Honourable, the Speaker of  
the Legislative Assembly.* }

On motion of the Honorable Mr. *Moffatt*, seconded by Mr. *Thompson*,

*Ordered* — That the orders of the day be now read.

The order of the day, for the House in Committee, to consider the orders adopted by the late House of Assembly of *Lower Canada*, for regulating its proceedings in cases of contested Elections in that Province being read,

The House accordingly resolved itself into the said Committee.

Mr. *Raymond* took the Chair of the Committee.<sup>35</sup>

House in committee  
of whole on  
contested Elections,  
Lower Canada.



A series of resolutions upon the subject under the assumption of the law relating to contested elections in Lower Canada having expired, was then submitted by **Mr. Neilson**. The hon. member said that opinions varied very much in the case as to whether the law was defunct or not, and also as to what did or did not comprise a session of Parliament. He had therefore, in compliance with the wishes of many, advanced his resolutions, and was ready on his part to award that justice, which was so loudly demanded. He averred that neither the existence nor non-existence of a law, ought to be a stumbling block in the way of petitions, and if there was no other plea, he would urge the privileges of that house to investigate the allegations that were contained in those from Lower Canada.<sup>36</sup>

**Mr. Thorburn** alluded to the anxiety of the country relative to an investigation of the late elections in the Lower Province, which report had characterized, as having exhibited so much violence. He observed, that in pursuance of the order of the day, the subject was now before them; whether at the period to which he alluded, the law was, or was not in force, and altho' it might occupy the house for the day, he felt convinced, that the result of the enquiry would lead to the triumph of true British principles.<sup>37</sup>

**Mr. Hamilton** was on his legs for some time; and came to the conclusion, that the law in question was in force. The hon. member would never allow, that *exparte* newspaper statements were evidence of guilt.<sup>38</sup>

**Mr. Hincks** asked, what mode of proceeding, those opposed to the resolutions of the member for Quebec, meant to adopt? Tho' there might be doubts, as to the existence of the law, and what constituted a session, this however was a notorious fact, that many members were sitting in this house in opposition to the wishes of the people, (order, order.)<sup>39</sup>

**Mr. Hamilton** was desirous of knowing where that notorious evidence was to be met with? There were a vast number in the Province, who might stand forward upon the same principle of notoriety, and proclaim that they were quite as many revolutionaries and turbulent demagogues, who had usurped a seat in that Assembly, as men of another impress, as had been insinuated!<sup>40</sup>

**Colonel Prince** regarded the question now before them, as a most important one. The house was at issue upon two points, — what constituted a session, and whether the law in Lower Canada, relating to elections had expired or not. The first, under the great authority of Lord Coke, the gallant Colonel defined, as being regarded only as a session, by the law, when an act or statute passed during its existence received the Royal Assent; otherwise, notwithstanding the affairs upon which it might have been occupied, it was held to be only a convention. The second point at issue, the law regarding elections, was also disposed of by the hon. gentleman with equal facility — the statute aiming at the report of such law, having been disallowed in England. During his remarks, the gallant Colonel also read from the Union Act, demonstrating from the manner in which it had been framed, that the existence of such a law was already contemplated.<sup>41</sup>

**Mr. Johnston** saw plainly that from the diversity of opinions, on the subject, the day would be spent like many previous ones in mere idle dispute. The conclusiveness of the arguments assumed on both sides, reminded him of the remark of a learned judge on one occasion, when great ingenuity had been exercised by the contending counsel, — and numerous authorities cited — "Would to God (exclaimed he), that those law books were destroyed (putting his hand upon them), and then I should be able to form an opinion of my own." The hon. member did not forget to fire a side shot which appeared to have some effect in a certain quarter. He observed that those whose turbulent impetuosity hurried them on to prejudice before hand, were not such as ought to sit upon the committee.<sup>42</sup>

The hon. member for Oxford ((**Mr. Hincks**)) *did not* reply to this in the language of the dramatist — "Let the galled jade wince my wethers are unwrung."<sup>43</sup>

**Sir Allan MacNab** desired, that justice should be done. It was reported and very strongly told, that in the Western District, government influence had been most unconstitutionally exerted in the late elections, and as there appeared to be some difficulty relative to the existence of the law affecting them, he was desirous that a short bill should be passed to accelerate the wishes of the petitioners. He was of opinion that such a course must be as agreeable to those whose elections were disputed, as to the House at large, for they could not be devoid of anxiety to

have all doubts upon the subject cleared up. On the whole, considering the great importance of the question under deliberation, he would move that the committee rise, and ask leave to sit again.<sup>44</sup>

**Mr. Aylwin** opposed the motion of the gallant Knight. The hon. gentleman affirmed that with respect to the violence at the late elections, an opinion prevailed to a great extent in the Lower Province, that many were sitting in that house, the representatives of only six or seven individuals. In disposing of the question before them to which the hon. member added with his usual adroitness the titillating echos (sic) of rights, freedom, justice, &c., he refused his assent to the doctrine which had laid down the definition of a session, and by a laboured attempt to prove the non-existence of the election law, — endeavoured to convey away the common sense of the house into that chaos of obscurity which he appears to regard as the genial atmosphere of legislative wisdom. The conviction that the disallowance of a statute of repeal brought into reaction the statute, merely suspended during the interval of such repeal statute awaiting the Royal Assent, after passing the legislature, was to him no conviction at all, — altho' in justice to the hon. and learned member, it must be added that he confessed himself ready to retract his opinions when he was *convinced* of their unsoundness.<sup>45</sup>

**Mr. Cartwright** demonstrated from authority that there had been no session since 1836, and that the statute 4th, Wm. IV. having been disallowed the law regarding elections, in the Lower Province did exist.<sup>46</sup>

**Mr. Black** ... assented to the inferences of the member for Lennox & Addington, that there had been no session since May 1836, and that the law of elections was in force having recovered from its suspension, immediately upon the disallowance of the statute framed to repeal it. Hon. members spoke lightly of the law, but it was by the observance of the law, that we preserved our rights, and by our neglect that we must lose them. Whatever feelings he might have upon the subject, he would never allow himself to be so much under the influence of impulse, as to attempt to pass so sacred a barrier, but would cheerfully submit to a hardship, rather than derive a benefit from an infringement of the law, and thereby establish a precedent that might be the forerunner of evils that it would be impossible to calculate.<sup>47</sup>

**Mr. Ogden** ... remarked, that this was one of those cases, upon which nothing could be said, — unless the deception of a shadow, was an authority for conjuring up all kinds of nonsense. The learned Attorney General's opinions were those of the learned member for the town of Quebec, — which were incontrovertible.<sup>48</sup>

**Mr. Boswell** expected to have been enlightened by the arguments of the hon. member for Portneuf's party — but he had heard nothing but a dull repetition of absurdities. The hon. gentleman put this simple plain question to the common sense of all to whom nature in its bounty had bestowed such a commodity. If an act to repeal the currency, passed both houses but was refused the Royal Assent. In such a case, would not the existing act come into force again? The hon. member was perfectly convinced by no appeals to the reason of his hearers could the member of Portneuf establish his position.<sup>49</sup>

**Mr. Moffatt** said that whatever ulterior proceedings, might be taken by the house, they were bound to be governed by the law that did exist. He would therefore move that the chairman do leave the chair.<sup>50</sup>

**Mr. Merritt** asked what the effect of the vote, — and was told that it would militate against the petitioners which decided him to oppose it.<sup>51</sup>

**Messrs. Sherwood and Neilson** were severally for the postponement of the question.<sup>52</sup>

**Mr. Durand** ... ((made)) a side attack upon Mr. Johnston, the member for Carlton, purporting that justice was not meted out during the time of Sir Francis Bond Head....<sup>53</sup>

This is the first time, (replied the hon. member for Carlton ((**Mr. Johnston**))), since I have sat in this house that I have had the pleasure to agree with the member for Halton. Justice was not dispensed during the government of Sir Francis Bond Head, or the hon. member at this time would in all probability have been very differently employed, to framing laws for the encouragement of *loyalty* and the promotion of *good order* through the Province.<sup>54</sup>

Mr. Draper in answer to some remarks that fell from the hon. member for Oxford, observed, that he saw very clearly thro' the obstacles that many complained of. But he knew well where all the anxiety arose from. Hon. members knew, that if the law had not been complied with, those petitioners who had neglected to observe its provisions, would have to submit to the consequences. This was not a question of passion, of impulse, or of feeling, to which some hon. gentlemen would fain that the solidity of judgment, should bow on every accident of caprice. It was an all important question. Were the laws to be obeyed by those, who assumed to be examples of obedience to the people, or was it to go forth from the seat of legislative wisdom, that they, the framers of law, were the reckless patrons of its violators. His conviction of the existence of the law relating to contested elections, it would be only a waste of the public time to occupy the house with; and whatever might be the effect upon the petitioners, they were bound to administer the law, or to the utter ruin of society, it must become a dead letter in its organization.<sup>55</sup>

(100)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. *Raymond* reported that the Committee had made some progress, and had directed him to move for leave to sit again.

*Ordered*—That the said Committee have leave to sit again to-morrow.

Orders of the day  
postponed until  
Monday next.

The order of the day for the second reading of the Bill for improving the administration of Criminal Justice in this Province, being read,

*Ordered*—That the said order of the day be postponed until *Monday* next.

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Orders of day  
postponed.

The order of the day for the second reading of the Bill for consolidating and amending the Laws in this Province relative to Larceny and other offences connected therewith, being read,

*Ordered*—That the said order of the day be postponed until *Monday* next.

The order of the day for the second reading of the Bill for repealing the several Statutes in this Province relative to the benefit of Clergy and to Larceny, and other offences connected therewith; to malicious injuries to property, and to offences against the person, being read,

*Ordered*—That the said order of the day be postponed until *Monday* next.

The order of the day for the second reading of the Bill for consolidating and amending the Laws in this Province relative to offences against the person, being read,

*Ordered*—That the said order of the day be postponed until *Monday* next.

The order of the day for the second reading of the Bill for consolidating and amending the Laws in this Province, relative to malicious injuries to property, being read,

*Ordered*—That the said order of the day be postponed until *Monday* next.

A Bill for the relief of disabled and infirm persons was, according to order, read a second time.

*Ordered*—That the said Bill be referred to a Committee of the whole House on *Monday* next.

The order of the day for the House in Committee on the Bill to amend an Act of that part of the Province formerly called *Upper Canada*, intituled "*An Act to provide for the making and keeping in repair the West Gwillimbury Road and Bridge, and to authorize the erection of a Toll Gate thereon,*" being read,

House in Committee  
on the West  
Gwillimbury Road  
& Bridge Bill.



The House, accordingly, resolved itself into the said Committee.

Mr. *Hamilton* took the chair of the Committee, and, after some time spent therein.

Mr. Speaker resumed the chair, and

Bill reported without amendment.

Mr. *Hamilton* reported that the Committee had gone through the Bill without making any amendment thereto; and the Report was again read at the Clerk's Table.

*Ordered* — That the said Bill be engrossed.

Orders of the day postponed.

The order of the day for taking into consideration a motion made by Mr. *Prince*, on *Monday* last, viz: That the grounds and reasons of complaint set forth in the petition of divers Electors of the County of *St. Maurice*, if true, are sufficient to make void the Election of *Joseph Edouard Turcotte*, Esquire, being read,

*Ordered* — That the said order of the day be postponed until *Tuesday* next.

The order of the day for taking into consideration a motion made by Mr. *Prince*, on *Monday* last, viz: That the further consideration of the petition of divers freeholders and inhabitants of the County of *Bonaventure*, complaining of the undue election and return of *John R. Hamilton*, Esquire, Member for the said County, be discharged, being read,

*Ordered* — That the said order of the day be postponed until *to-morrow*.

(102)

Mr. *Hamilton* moved, seconded by Mr. *Hincks*, that the House do adjourn until *to-morrow* at *ten o'clock*, A. M.

The Honourable Mr. *Viger* moved, in amendment, seconded by Mr. *Buchanan*, that the words "at ten o'clock" be struck out of the said motion.

The question having been put on the motion of amendment, a division ensued, and it passed in the negative.

The question being then put upon the motion, it was agreed to unanimously, and

The House accordingly adjourned until *to-morrow*, at *ten o'clock*, A. M.

Footnotes — 30 June 1841.

1. The debate which ensued was reported in: KINGSTON CHRONICLE, 3 July 1841; BRITISH COLONIST, 7 July 1841; LE CANADIEN, 7 July 1841, which is a translation of the debate reported in KINGSTON CHRONICLE, 3 July 1841; WESTERN HERALD, 21 July 1841.

2. KINGSTON CHRONICLE, 3 July 1841.

3. IBID.

4. BRITISH COLONIST, 7 July 1841.

5. KINGSTON CHRONICLE, 3 July 1841.

6. IBID.

7. IBID.

8. IBID.

9. This part of the sentence has been cut away from newspaper.

10. IBID.

11. IBID.

12. IBID.

13. IBID.

14. BRITISH COLONIST, 7 July 1841.

15. KINGSTON CHRONICLE, 3 July 1841.

16. IBID.

17. The debate following this report was reported in: KINGSTON CHRONICLE, 3 July 1841; BRITISH COLONIST, 7 July 1841; WESTERN HERALD, 21 July 1841.

18. BRITISH COLONIST, 7 July 1841.

19. KINGSTON CHRONICLE, 3 July 1841.

20. IBID.

21. IBID.

22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. BRITISH COLONIST, 7 July 1841.
30. KINGSTON CHRONICLE, 3 July 1841.
31. BRITISH COLONIST, 7 July 1841.
32. IBID.
33. According to WESTERN HERALD, 21 July 1841, paraphrased from BRITISH WHIG, "A desultory discription (sic) then ensued touching some £15,000, voted but not applied to the Welland Canal, in which a great many members took a part; but it was impossible... to comprehend the drift of the conversation.»
34. The MONTREAL GAZETTE, 9 July 1841, reported that "Some discussion" occurred upon this motion, but there is no mention of names or any reference to what was said.
35. The debate ensuing was reported in: BRITISH COLONIST, 7 July 1841; briefly summarized and commented upon by MONTREAL GAZETTE, 3 July 1841; LE CANADIEN, 5 July 1841. WESTERN HERALD, 21 July 1841, paraphrased from BRITISH WHIG.
36. BRITISH COLONIST, 7 July 1841.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID. However, there is no record of what he **did** say.
44. IBID.
45. IBID. The reportorial style here combines fact and bias in a manner difficult to separate.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. IBID.

Thursday, 1 July 1841.

10 o'clock, A.M.

Petitions brought up.

Loop Odell,  
and others.  
J. L. Caron.

Farewell, and others.  
Julia Bell.

William Clark,  
and others.  
David Elder.

Trustees Sherbrooke  
Academy.

City Bank, Montreal.

W. H. Gibbon,

Richard Boyle,  
and others.

Rebecca McIntee.

H. Troup, and others.

Moses Hart,  
and others.

Petitions referred.  
Stull and Lampman.

John Decow.

Inhabitants of  
Grand River Lands.

(102)

The following petitions were severally brought up, and laid on the table.

By Mr. *Delisle*, the petition *Loop Odell*, and others, of the County of *Acadie* — and the petition of *Jean Louis Caron*, of *Chateauguay*.

By Mr. *Small*, the petition of *A. M. Farewell*, *Abraham Butterfield*, and others, of the Townships of *Whitby* and *Darlington* — the petition of *Julia Bell*,<sup>1</sup> wife of *Æneas Bell*, chief Messenger to the Assembly of the late Province of *Upper Canada*, the petition of *William Clark*, and others, of the Township of *Markham*, and the petition of *David Elder*, of *Toronto*.

By Mr. *Hale*, the petition of the Trustees of the Academy of *Sherbrooke*, in the District of *St. Francis*.<sup>2</sup>

By Mr. *Dunscorn*, the petition of the President, Directors and Stockholders of the *City Bank* of the City of *Montreal*.

By Mr. *Roblin*, the petition of *William Henry Gibbon*, of the Townships of *Kingston*, and others.

By Mr. *Merritt*, the petition of *Richard M. Boyle*, and others, and the petition of *Rebecca McIntee*, widow of *Barnabas McIntee*, formerly of the first Regiment of *Lincoln Militia*.

By Mr. *Gilchrist*, the Petition of *H. Troup*, and others, of the Town-*Asphadel* and *Dummer*.

By Mr. *Turcotte*, the petition of *Moses Hart*, and others, of the Town of *Three Rivers*.

*Resolved* — That the petition of *Adam Stull* and *Peter Lampman*, of the Township of *Grantham*, presented to the House on the *fifteenth* of *June* last, be referred to a Select Committee of three members, to examine the contents thereof, and report thereon, with all convenient speed, by Bill, or otherwise, with power to send for persons, papers, and records.

*Ordered* — That Mr. *Merritt*, Mr. *Neilson*, and Mr. *Thorburn*, do compose the said Committee.

*Ordered* — That the petition of *John Decow*, and others, of the County of *Haldimand*, in the District of *Niagara*, presented to the House on the *fifteenth* of *June* last, be referred to the said Committee.

Mr. *Thompson* moved, seconded by Mr. *Merritt*,

That the Petition of divers inhabitants of the *Grand River* lands, in the County of *Haldimand*, in the District of *Niagara*, and of other ad-

(103)

jacent places, in the District of *Gore*, presented to the House on the *sixteenth* of *June* last, be referred to a Select Committee of three members, to examine the contents thereof, and report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative, and

*Resolved*, accordingly.

*Ordered* — That Mr. *Thompson*, Mr. *Merritt*, and Mr. *Thorburn*, do compose the said Committee.



Petition of  
John Kalar, referred.

*Ordered* — That the Petition of *John Kalar*, of the County of *Lincoln*, in the *Niagara* District, presented to the House on the *fifteenth* of *June* last, be referred to the Select Committee, to which was referred the Petition of *Adam Stull* and *Peter Lampman*, of the Township of *Granham*.

Leave of absence to  
the Hon. W. Moffatt,  
until 12th Instant.

*Ordered* — That the Honorable Mr. *Moffatt* have leave to absent himself from this House, from this day until the twelfth instant, on urgent business.

Mr. Speaker informed the House that the Clerk of this House had received from the Clerk of the Crown in Chancery, a Certificate of the Election of a Member for the Town of *Kingston*, in the room of *Anthony Manahan*, Esquire, who had vacated his seat.

And the said Certificate was read, and is as followeth :

OFFICE OF THE CLERK OF THE CROWN IN CHANCERY,  
KINGSTON, 1ST JULY, 1841.

This is to certify that, in virtue of a Writ of Election, dated the *nineteenth* day of *June*, last past, issued by His Excellency, the Governor in Chief, and directed to the Returning Officer for the Town of *Kingston*, (*John Counter*, Esquire) for the Election of one Member for the said Town of *Kingston* in the place and room of *Anthony Manahan*, Esquire, who, since his Election, hath accepted the Office of Collector of Customs for the port of *Toronto*, the Honourable *Samuel Beasley Harrison*, has been returned as duly elected accordingly, as appears by the return of the said writ, bearing date this day, which is lodged of record in this Office.

THOS. AMIOT,  
Clk. Cr. in Chy.

To Wm. B. Lindsay, Esquire, }  
Clk. Leg. Assembly.

Hon. S. B. Harrison  
elected for Kingston,  
in place of Anthony  
Manahan, Esquire.

Hon. W. Harrison  
takes his seat.

The Honourable *Samuel Beasley Harrison*, member for the Town of *Kingston*, having previously taken the oath according to law, and subscribed before the Commissioners the roll containing the same, took his seat in the House.

On motion of Mr. *Small*, seconded by Mr. *Thorburn*.

Address to His  
Excellency for returns  
of fines & forfeitures.

*Resolved* — That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to direct to be placed before this House, copies of all such returns of fines and forfeitures, imposed by Justice of the peace in that part of this Province formerly known as *Upper Canada*, and required by an Address of the House of Assembly of the said late Province of *Upper Canada*, as have been received.

*Ordered* — That Mr. *Small*, Mr. *Thorburn*, Mr. *Parent*, and Mr. *Barthe*, do present the said Address to His Excellency, the Governor General.

(104)

Bill for naturalizing  
certain persons  
reported.

Mr. *Prince* from the select Committee to which was referred the petition of *P. Frederick Verhoef*, *Lewis Davenport*, and others; and also the petition of *John Clough Moulton*, of the Township of *York*, with power to report by Bill or otherwise, presented to the House a Bill to naturalize certain persons therein named, which was received and read for the first time.

*Ordered* — That the said Bill be read a second time this day week.

Committee of whole  
on Warehousing to  
sit on Monday next.

On motion of Mr. *Dunsmomb*, seconded by Mr. *Holmes*,

*Resolved* — That this House will, on *Monday* next, resolve itself into a Committee of the whole House to consider the expediency of

introducing measures for the Warehousing and Bonding of Goods in the several free Warehousing ports of this Province.

Committee of whole,  
on imports, to sit on  
Monday next.

On motion of Mr. *Dunscorn*, seconded by Mr. *Holmes*,  
*Resolved*—That this House will, on *Monday* next, resolve itself into a Committee of the whole House, to consider the expediency of enquiring into the several laws, levying Duties on Imports into this Province, and to consider the propriety of amending and consolidating the same.

Address to  
His Excellency, for  
amount of duties  
levied, at Bytown,  
on Timber.

On motion of Mr. *Derbshire*, seconded by Mr. *Cameron*,  
*Resolved*—That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to order that there be laid upon the table of this House, a return of the amount of duties levied at *Bytown*, upon timber floated down the river *Ottawa*, for the last five years, specifying the amount paid in each year, and upon what descriptions of Timber, and also if any and what portion of such duties has been expended upon the improvement of the navigation of the *Ottawa*, at or above *Bytown*, and what improvements have been so effected.

Mr. *Hamilton* said he had been obliged to give notice of an address for a return, and he did not know why the hon. member for Bytown should be exempted from observing the same formality.<sup>3</sup>

Mr. *Derbshire* said he had the consent of the Executive officers of the Government in that House, and as notice was only an act of courtesy and convenience to those who might have an interest in opposing such a motion, it was not necessary in this instance. This was a motion for the information of the House, and if the head of the government had no objection that such information should be given from the public Departments under the control of the Executive, the House itself could scarcely interpose against the motion.<sup>4</sup>

(104)

*Ordered*—That Mr. *Derbshire*, Mr. *Cameron*, Mr. *Quesnel* and the Honourable Mr. *Viger*, do present the said Address to His Excellency, the Governor General.

Address to His  
Excellency, for copy  
of correspondence  
on duties on Timber.

On motion of Mr. *Aylwin*, seconded by Sir *Allan MacNab*,  
*Resolved*—That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a Copy of all correspondence between Her Majesty's Ministers and His Excellency, the Governor General, in relation to any alteration in the scale of duties upon the importation, into *Great Britain*, of foreign and colonial timber, or either.

*Ordered*—That Mr. *Alwyn*, Sir *Allan MacNab*, Mr. *Turcotte*, and Mr. *Boutillier*, do present the said address to His Excellency, the Governor General.

Address to His  
Excellency, for copy  
of Report of Com-  
mission on Toronto  
Riots.

On motion of Mr. *Aylwin*, seconded by Sir *Allan MacNab*,  
*Resolved*—That an humble address be presented to His Excellency, the Governor General, praying that His Excellency, will be pleased to cause to be laid before this House, a copy of the Report and proceedings of the Commission appointed to investigate certain supposed riots, at or after the election of two members to serve in Parliament for the City of *Toronto*.

*Ordered*—That Mr. *Aylwin*, Sir *Allan MacNab*, Mr. *Turcotte*, and Mr. *Boutillier*, do present the said address to His Excellency, the Governor General.

Leave of absence to  
Mr. *Cook*, to 12th  
Instant.

*Ordered*—That Mr. *Cook*, have leave to absent himself from this House, from this day, until the twelfth instant.

Then on motion of Mr. *Hamilton*, second by Mr. *Watts*,  
The House adjourned, until two o'clock, P. M., this day.

(105)

Two o'Clock, P.M.

A Message was brought by *Frederick Star Jarvis*, Esq., Gentleman  
Usher of the Black Rod.

MR. SPEAKER,

His Excellency the Governor General, desires the immediate attendance of this Honourable House, in the Legislative Council Chamber.

Accordingly Mr. Speaker, with the House, went to the Council Chamber.

And, being returned,

Mr. Speaker reported that, agreeable to the commands of His Excellency, the Governor General, the House had attended His Excellency, in the Legislative Council Chamber, where His Excellency was pleased to give, in Her Majesty's name, the Royal assent to the following public bill : —

"An Act to alter for a limited period the place of sitting of the Heir  
"and Devisee Commission of the late Province of Upper Canada, and  
"for other purposes therein mentioned."

The Hour appointed for taking into consideration the petition of *Benjamin Ham*, of the Township of *Ernest Town*, and the Petition of *David Roblin*, and others, Freeholders of the Incorporated Counties of *Lennox* and *Addington*, in the *Midland* District, complaining of the undue election and Return of *John Solomon Cartwright*, Esq., as a member to represent the incorporated counties of *Lennox* and *Addington*, in this present Parliament, being come — <sup>6</sup>

The House proceeded to the appointment of a Select Committee, to try and determine the merits of said Petitions.

Mr. Speaker ((*Cuvillier*)) ... expressed a belief relative to the disability appertaining to certain hon. members being nominated to such committees — <sup>6</sup>

Mr. *Delisle* observed, that as he was one, against whose election a petition had been presented, he had therefore no desire to sit in judgment upon others similarly situated.<sup>7</sup>

Mr. *Ogden* called the attention of the house to the discussion of the previous day relative to the existence of the law, as regarded contested elections, and remarked that should it be decided that the law was in force — those petitioners who had not complied with it, would not be heard.<sup>8</sup>

Sir *Allan MacNab* thought it premature to express such an opinion, though, its proceeding from the first law officer of the Crown, must necessarily give it great weight.<sup>9</sup>

(105)

The Serjeant-at-Arms was directed, by Mr. Speaker,<sup>10</sup> to go with the the Mace to the places adjacent and require the attendance of the Members, on the business of the House,

And he went accordingly,

And being returned, the House was called, and more than thirty members being present ;

Mr. Speaker called upon the Petitioners, their Counsel, or Agent, to appear at the Bar.

Mr. *Ham*, a Petitioner, on behalf of himself, and Mr. *Roblin*, in behalf of himself, and the other Petitioners, appeared at the Bar.

Mr. Speaker then called upon the sitting member, his Counsel or Agent, to appear at the Bar.

Mr. *Cartwright*, sitting member for the Incorporated Counties of *Lennox* and *Addington*, appeared at the Bar, in his own behalf.

His Excellency sends  
for House to  
Council Chamber.

Royal Assent give to  
Heir and Devisee Bill

House proceeds in  
trial of Petitions  
against *Lennox* and  
*Addington* Election.

Mr. *Ham* and  
Mr. *Roblin*, appear  
at the Bar.

Mr. *Cartwright*  
appears at the Bar.



Mr. *Hincks* presented a list of Witnesses in the case of the Petition of *Benjamin Ham*, and also of the petition of *David Roblin*, and others, which was read by the Clerk as follows : —

	NAMES.	RESIDENCE.	NAMES.	RESIDENCE.
List of Witnesses in the behalf of the Petitions of Benjamin Ham, and David Roblin and others.	<i>John Dean</i> ,	Richmond.	<i>Mico Ham</i> ,	Fredericksburgh.
	<i>Ezra D. Priest</i> ,	Bath.	<i>Elisha Sills</i> ,	do.
	<i>Sebastian Hogle</i> ,	Ernest-town.	<i>Dorland Clapp</i> ,	do.
	<i>David Roblin</i> ,	Richmond.	<i>Gabriel Balfour</i> ,	Bath.
	<i>Henry Lasher</i> ,	Ernest-town.	<i>Jeremiah Anrey</i> ,	Ernest-town.
	<i>Elijah Surger</i> ,	do.	<i>Philip J. Roblin</i> ,	Ameliasburgh.
	<i>Dafas C. Smith</i> ,	do.	<i>John Asselstine, jr.</i> ,	Ernest-town.
	<i>Daniel Perry</i> ,	do.	<i>Loudavick (alias) Lewis</i>	
	<i>Peter Empy</i> ,	do.	<i>Hartman</i> ,	do.

(106)

<i>Duncan McKenzie</i> ,	Fredericksburgh.	<i>Allan McPherson, Esq.</i> ,	Napanee.
<i>Peter Davy</i> ,	Bath.	<i>Daly Hartman</i> ,	Ernest-town.
<i>Nicholas Amey, Senr.</i> ,	Ernest Town.	<i>Denis Lonas</i> ,	do.
<i>Henry Taylor</i> ,	Camden.	<i>George F. Corbett</i> ,	Kingston.
<i>Robert Lowrey</i> ,	Napanee.	<i>John McDowall</i> ,	Ernest-town.
<i>J. Snider &amp; wife Margaret</i> ,	Ernest Town.	<i>Wilson Nelson</i> ,	Ernest-town.
<i>Abraham Loucks</i> ,	Fredericksburgh.	<i>Samuel Lockwood</i> ,	do.
<i>Jeremiah Snider and wife</i> ,	Ernest Town.	<i>Richard Ham</i> ,	Fredericksburgh.
<i>Calvin Wheeler</i> ,	Sheffield.	<i>Conrad Van Dusen</i> ,	Bath.

Mr. *Cartwright* handed in a List of the Witnesses required in behalf of himself as the sitting member for the incorporated Counties of *Lennox* and *Addington*, which was also read by the Clerk, as follows : — <sup>11</sup>

List of Witnesses to be called on the part and behalf of *John S. Cartwright*, Esquire, the sitting member for the incorporated Counties of *Lennox* and *Addington*, on the petition of *Benjamin Ham*, Esquire, and *David Roblin*, and others, complaining of the return of the said *John S. Cartwright*.

	NAMES.	RESIDENCE.	NAMES.	RESIDENCE.
List of Witnesses in the behalf of Mr. Cartwright, the sitting member for Lennox and Addington.	<i>Charles Fraser</i> ,	Ernest-town.	<i>Peter M. Davy</i> ,	Camden.
	<i>Elias Martin</i> ,	do.	<i>George F. Amey</i> ,	do.
	<i>Charles Booth</i> ,	do.	<i>William Dowdle</i> ,	do.
	<i>John Youngs</i> ,	do.	<i>William Babcock</i> ,	do.
	<i>Jonathan Allen, Esq.</i>	Adolphustown.	<i>Jacob Miller</i> ,	do.
	<i>John Church, Esq.</i>	Fredericksburgh.	<i>William Gordon</i> ,	Richmond.
	<i>Peter V. Dorland, Esq.</i>	Adolphustown.	<i>Charles McGreer</i> ,	do.
	<i>A. G. Hamilton</i> ,	Ernest-town.	<i>Aaron Oliphant</i> ,	do.
	<i>Robert Lourie</i> ,	do.	<i>James Fraser, Esquire</i> ,	Fredericksburgh.
	<i>John McNeil</i> ,	Richmond.	<i>William Hawley</i> ,	do.
	<i>Donald McPherson</i> ,	Richmond.	<i>Samuel Casey, Esquire</i> ,	Adolphustown.
	<i>Rody Armitage</i> ,	Ernest-town.	<i>John Madden</i> ,	Ernest-town.
	<i>John Armitage</i> ,	do.	<i>Jacob B. Chamberlain</i> ,	
	<i>Daniel Young</i> ,	Richmond.	<i>Esq.</i>	Fredericksburgh.
	<i>William Sixsmith</i> ,	do.	<i>Alex. Margach</i> ,	Napanee.
	<i>Andrew Gerow</i> ,	Aldophustown.	<i>Charles Stuart, Esquire</i> ,	Kingston.
	<i>Benjamin Babcock</i> ,	Camden.	<i>Robert Esson</i> ,	Napanee.
	<i>William McDonell</i> ,	Fredericksburgh.	<i>William Templeton</i> ,	Fredericksburgh.
	<i>Charles Cheshire, Esq.</i>	Ernest-town.	<i>James Clark</i> ,	do.
	<i>Milo Parks</i> ,	Fredericksburgh.	<i>Robert Wales</i> ,	do.
	<i>Isaac Fraser, Esq.</i>	Ernest-town.	<i>Isaiah Abrahams</i> ,	Fredericksburgh.
	<i>Archibald D. Campbell</i> ,	Fredericksburgh.	<i>James Lapum</i> ,	Ernest-town.
	<i>Samuel Shaw</i> ,	Richmond.	<i>Daniel Fraser, Jr.</i> ,	do.
	<i>S. S. Madden</i> ,	do.	<i>John Spafford</i> ,	do.
	<i>Joseph Card</i> ,	Camden.	<i>Robert Bell</i> ,	Richmond.
	<i>Valentine D. Embury</i> ,	Richmond.	<i>Matthew Ruttan</i> ,	Adolphustown.
	<i>Thomas Mallett</i> ,	Ernest-town.	<i>Joseph Dowling</i> ,	Camden.
	<i>Nicholas Peterson</i> ,	Adolphustown.	<i>John Lewis Fralick</i> ,	Ernest-town.
	<i>James Fitchet</i> ,	Fredericksburgh.	<i>Colin McKenzie</i> ,	do.
	<i>Boltus Shewman</i> ,	do.	<i>Orris Wells</i> ,	Camden.
	<i>Robert Lapum</i> ,	Ernest-town.	<i>Henry Graham</i> ,	do.
	<i>Richard Lowe, Esq.</i>	Fredericksburgh.	<i>Solomon Keskey</i> ,	do.
	<i>Parker Allen</i> ,	Adolphustown.	<i>Abraham Dajoe</i> ,	Fredericksburgh.
	<i>Jehiel Hawley</i> ,	Fredericksburgh.	<i>William C. Sixsmith</i> ,	Richmond.
	<i>David Weese</i> ,	Ernest-town.	<i>Gilbert Marrikle</i> ,	do.
	<i>John W. Ferguson, Esq.</i> ,	Adolphustown.	<i>George Webster</i> ,	Kingston.
	<i>Thomas Howard</i> ,	Fredericksburgh.	<i>Edward Howard</i> ,	Amherst Island.
	<i>William J. Sloan</i> ,	do.	<i>Allan McPherson, Esq.</i> ,	Napanee.
	<i>John Huffman</i> ,	Fredericksburgh.	<i>Samuel Clark, Esquire</i> ,	Camden.

NAMES.	RESIDENCE.	NAMES.	RESIDENCE.
<i>George Coulson,</i>	do.	<i>Richard Ham,</i>	Fredericksburgh.
<i>John Perry,</i>	Ernest-town.	<i>William S. McKay, Esq.,</i>	Bath.
<i>James Demorest,</i>	Richmond.	<i>James Shaw,</i>	Erneststown.
<i>Joseph Allen,</i>	Adolphustown.	<i>Thomas Evans,</i>	Camden.
<i>John Bower,</i>	Richmond.	<i>George Mills,</i>	Napanece.
<i>William Allen,</i>	Camden.	<i>William Spence,</i>	Kingston.
<i>Carson Stratton,</i>	Richmond.	<i>David Bell,</i>	Camden.
<i>Hugh Davy,</i>	Camden.	<i>William Hannah,</i>	do.
		<i>Joseph Dulmage,</i>	do.

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List of Witnesses  
on the behalf of  
Mr. Cartwright,  
the sitting member  
for Lennox and  
Addington.

<i>William Close,</i>	Ernest-town.	<i>Angus McKay,</i>	Amherst Island.
<i>Timothy Fraser,</i>	do.	<i>Samuel Dorland, Esquire,</i>	Adolphustown.
<i>Alexander Campbell,</i>	Richmond.	<i>Elijah Youngs,</i>	Fredericksburgh.
<i>Charles Fox,</i>	Fredericksburgh.	<i>Hon. John Kirby,</i>	Kingston.
<i>Sebastian Hogle, Senr.,</i>	Ernest-town.	<i>John R. Forsyth, Esq.,</i>	do.
<i>Richard D. Finlay, Esq.,</i>	Camden.	<i>George Baker, Esquire,</i>	do.
<i>Jonathan Atkins,</i>	do.	<i>George A. Scriven, Esq.,</i>	do.
<i>Jacob Drope,</i>	do.	<i>Angus Cameron, Esquire,</i>	do.
<i>Robert Spence,</i>	Richmond.	<i>Hugh McDonald, Esq.,</i>	do.
<i>Archibald Campbell, Jr.,</i>	Adolphustown.	<i>James Briggs,</i>	do.
<i>James Hart,</i>	Fredericksburgh.	<i>George McCraby,</i>	do.
<i>Joseph Tait,</i>	Camden.	<i>John Fennell,</i>	Richmond.
<i>Samuel Sixsmith,</i>	Sheffield.	<i>Andrew Russell,</i>	Camden.
<i>Joseph Lee,</i>	Ernest-town.	<i>Andrew Ramsay,</i>	do.
<i>John McLaughlin,</i>	Camden.	<i>David Hess,</i>	Fredericksburgh.
<i>William Washburn,</i>	do.	<i>Thomas J. Dorland,</i>	Adolphustown.
<i>Hugh Evans,</i>	do.	<i>John A. McDonald, Esq.,</i>	Kingston.
<i>John O. Butler,</i>	do.	<i>Samuel Annings,</i>	do.
<i>Lyman Amey,</i>	do.	<i>Elijah Beach,</i>	do.
<i>Peter Baker,</i>	do.	<i>Hugh Calder,</i>	do.
<i>William J. Spence,</i>	do.	<i>James Linton,</i>	do.
<i>William Dowling,</i>	do.	<i>James Kirk,</i>	do.
<i>Amerett Amey,</i>	do.	<i>James Ives,</i>	do.
<i>Francis R. Purcell,</i>	do.	<i>George Ives,</i>	do.
<i>David Kelley,</i>	do.	<i>Arthur Hall,</i>	Fredericksburgh.
<i>Henry Baker, Senr.,</i>	Ernest-town.	<i>Hugh Patterson,</i>	Amherst Island.
<i>Allan M. Fraser,</i>	do.	<i>Anson Blanchard,</i>	Fredericksburgh.
<i>Antoine Dennis,</i>	Amherst Island.	<i>Henry A. Hart,</i>	Adolphustown.
<i>John Bell,</i>	Ernest-town.	<i>Christian Vankoughnett,</i>	Fredericksburgh.
<i>Jacob Loucks,</i>	Sheffield.	<i>William Parks,</i>	Richmond.
<i>William Sager,</i>	Richmond.	<i>Jacob Shaw,</i>	Fredericksburgh.
<i>Duncan McKenzie,</i>	Fredericksburgh.	<i>William H. Clark,</i>	Camden.
<i>Lewis Chamberlain,</i>	Sheffield.	<i>George J. Beamish,</i>	Ernest-town.
<i>John Hinch,</i>	Camden.	<i>Thomas Hinch,</i>	Camden.
<i>John Kimmerly,</i>	Richmond.	<i>Anthony Denike,</i>	Fredericksburgh.
<i>Thaddeus O. Pruyn,</i>	Fredericksburgh.	<i>Roderick M. Rose,</i>	Kingston.
<i>William Howard,</i>	Amherst Island.	<i>Richard Davern,</i>	Adolphustown.
<i>Richard Fraser,</i>	Ernest-town.	<i>David Foot,</i>	Richmond.
<i>Thomas Little,</i>	do.	<i>Nathaniel Kerr,</i>	Amherst Island.
<i>Dr. Samuel Murray,</i>	Camden.	<i>Henry Pringle,</i>	Richmond.
<i>John Boven,</i>	Richmond.	<i>Edward Jenkins,</i>	do.
<i>Frederick Olives,</i>	do.	<i>Asa B. Hough,</i>	Kingston.
<i>James Black,</i>	Camden.	<i>William Wilkinson,</i>	Richmond.
<i>James Macaulay,</i>	Ernest-town.	<i>Samuel Clark,</i>	Ernest-town.
<i>Alexander Greer,</i>	Camden.	<i>John Bush,</i>	Fredericksburgh.
<i>John Detlor,</i>	do.	<i>David L. Thorp,</i>	Pictou.
<i>John McLean,</i>	Ernest-town.	<i>William Cannon,</i>	Fredericksburgh.
<i>George Miller,</i>	do.	<i>Peter Amey,</i>	Ernest-town.
<i>John Hosey,</i>	Richmond.	<i>Edward Allen,</i>	Amherst Island.
<i>William Summerville,</i>	Ernest-town.	<i>William Fell,</i>	Napanece.
<i>James Sproul, Jr.,</i>	do.	<i>Isaac Woodcock,</i>	Richmond.
<i>William Bush,</i>	Camden.	<i>John Switzer,</i>	Camden.
<i>Francis Marvin,</i>	Fredericksburgh.	<i>James Prampour,</i>	Adolphustown.
<i>John Jayne,</i>	do.	<i>Thomas Dryden,</i>	Fredericksburgh.
<i>James Campbell,</i>	do.	<i>Samuel Stewart,</i>	Ernest Town.
<i>John Kenzie,</i>	do.	<i>Thomas Dier,</i>	Richmond.
<i>William M. C. Bell,</i>	do.	<i>Isaac B. Hough,</i>	Camden.
<i>Henry Neely,</i>	do.	<i>Orton Hancox, Esq.,</i>	Bath.
<i>James Sproul, Senr.,</i>	Ernest-town.	<i>Archibald Cars-callen,</i>	Camden.
<i>George Howard,</i>	Amherst Island.	<i>Abraham Loucks,</i>	Fredericksburgh.
<i>Jacob Detlor,</i>	Fredericksburgh.	<i>Isaac Cars-callen,</i>	do.
<i>Albert Lockwood,</i>	Ernest-town.	<i>George Embury,</i>	Richmond.
<i>Daniel McBride,</i>	Richmond.	<i>Arthur Foster,</i>	Kingston.
<i>Richard Hitchins, Esq.,</i>	Amherst Island.	<i>James Garrett,</i>	Camden.
<i>Archibald Campbell, Senr.,</i>	Adolphustown.	<i>Peter Embury,</i>	do.
<i>John W. Empey,</i>	Richmond.	<i>Edmund J. Sisson, Esq.,</i>	do.
<i>Thomas Campbell,</i>	Camden.	<i>Jacob Scriver,</i>	Fredericksburgh.
<i>John Asselstine,</i>	Ernest-town.	<i>Garrett Bush,</i>	Ernest Town.
<i>John Hitchins,</i>	Amherst Island.	<i>Peter McBride,</i>	Fredericksburgh.

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List of Witnesses  
in the behalf of  
Mr. Cartwright,  
the sitting member  
for Lennox and  
Addington.

NAMES.	RESIDENCE.	NAMES.	RESIDENCE.
<i>Dr. Robert Stewart,</i>	Bath.	<i>Andrew Wilde,</i>	Fredericksburgh.
<i>Amos Richardson,</i>	Fredericksburgh.	<i>John J. Watson,</i>	Adolphustown.
<i>Gilbert Griffis,</i>	do.	<i>Thomas Empey,</i>	Ernest-town.
<i>Belyat Outwater,</i>	do.	<i>Averill Miller,</i>	Camden.
<i>Joseph Peters, Jr.,</i>	Ernest Town.	<i>Miles Shorey, Jr.,</i>	Richmond.
<i>Eli Peters,</i>	do.	<i>John Adam Krein, Esq.,</i>	Fredericksburgh.
<i>Milton Fisk,</i>	do.	<i>Dr. Thos. W. Robison,</i>	Kingston.
<i>Thomas Downey,</i>	Fredericksburgh.	<i>James Vandewaters,</i>	Fredericksburgh.
<i>John Hawley,</i>	Richmond.	<i>Paul Wright,</i>	Richmond.
<i>Thomas Shandon,</i>	Camden.	<i>John Hasellip,</i>	Kingston.
<i>David L. Fairfield,</i>	Picton.	<i>Robert Patterson,</i>	Amherst Island.
<i>Charles Costello,</i>	Camden.	<i>John Empey, Senr.,</i>	Richmond.
<i>Thomas Judge,</i>	do.	<i>Andrew Rikely, Senr.,</i>	Fredericksburgh.
<i>John Snider,</i>	Ernest Town.	<i>Jacob Rikely,</i>	do.
<i>Stephen Youngs,</i>	Fredericksburgh.	<i>Joshua Cadmar,</i>	do.
<i>Timothy Hartman,</i>	Ernest-town.	<i>John Miller,</i>	do.
<i>Hugh Lettis,</i>	do.	<i>Edward Bell,</i>	do.
<i>Jacob Hartman, Senr.,</i>	do.	<i>Adam Sager,</i>	Richmond.
<i>John Abraham,</i>	do.	<i>George Rouse,</i>	Ernest-town.
<i>Edward Snider,</i>	do.	<i>Peter Loyst,</i>	Fredericksburgh.
<i>George Smith,</i>	Fredericksburgh.	<i>Andrew Diamond,</i>	do.
<i>Henry Carswell,</i>	Camden.	<i>David John Smith, Esq.,</i>	Kingston.
<i>Noah Fraser,</i>	Fredericksburgh.	<i>John Brown,</i>	Richmond.
<i>Cyrus Pringle,</i>	do.	<i>Peter Outwater,</i>	Adolphustown.
<i>William Wager,</i>	do.	<i>Staats J. Sager,</i>	Richmond.
<i>Andrew Embury,</i>	do.	<i>David B. Stevenson,</i>	Picton.
<i>George Harwood,</i>	do.	<i>Frederick Hessford,</i>	Richmond.
<i>William Nugent,</i>	Camden.	<i>Nicholas Vandeboagart,</i>	do.
<i>Barney Wemp,</i>	Amherst Island.	<i>Abraham De Witt,</i>	Ernest-town.
<i>John Hicks,</i>	Ernest-town.	<i>Fletcher E. Miller,</i>	Camden.
<i>Mathias Badgely,</i>	do.	<i>James Badshaw,</i>	Adolphustown.
<i>Abraham Amey,</i>	do.	<i>John Outwaters,</i>	do.
<i>John Jenkins,</i>	do.	<i>John Davy,</i>	Fredericksburgh.
<i>John Amey,</i>	do.	<i>John P. Trumpour,</i>	Adolphustown.
<i>John Huffman,</i>	do.	<i>Edward Savage,</i>	Kingston.
<i>John Sharp,</i>	do.	<i>George Loucks,</i>	Camden.
<i>John Stover, Senr.,</i>	Ernest-town.	<i>Henry Taylor,</i>	Ernest-town.
<i>Henry Hutchins,</i>	do.	<i>Daniel Fraser,</i>	do.
<i>Isaac Preston,</i>	Amherst Island.	<i>Justus Bartles,</i>	do.
<i>Abraham Snider,</i>	Ernest-town.	<i>George Chamberlain,</i>	Richmond.
<i>Peter Martin,</i>	Richmond.	<i>Philip Garrison,</i>	Fredericksburgh.
<i>Henry Hess,</i>	Ernest-town.	<i>John Gordanier,</i>	Ernest-town.
<i>Hammell Madden,</i>	Campbell.	<i>William Clark,</i>	do.
<i>John Miligan,</i>	Amherst Island.	<i>James McGill,</i>	Camden.
<i>Henry Smith,</i>	do.	<i>James Bradford,</i>	do.
<i>William Gibson,</i>	do.	<i>James M. Williams,</i>	do.
<i>George Clark,</i>	Camden.	<i>Henry Loyst,</i>	Fredericksburgh.
<i>Timothy Chambers,</i>	Fredericksburgh.	<i>John C. Clark,</i>	Ernest-town.
	Lot. 23. 4. Con.	<i>Rev. Robt. D. Cartwright,</i>	Kingston.
<i>Edward Shuly,</i>	Ernest-town.	<i>Douglas Prentiss,</i>	do.
<i>James Huffman,</i>	Sheffield.	<i>Fletcher Empey,</i>	Richmond.
<i>Joseph N. Amey,</i>	Ernest-town.	<i>Thomas Greer,</i>	Kingston.
<i>George Patterson,</i>	do.	<i>Lewis Fetz,</i>	Fredericksburgh.
<i>John Livingston,</i>	do.	<i>Henry McLean,</i>	Ernest-town.
<i>Nathaniel Graham,</i>	Camden.	<i>Thomas Brown,</i>	Camden.
<i>David Parks,</i>	Fredericksburgh.	<i>Michael McNulty,</i>	do.
<i>William Gelson,</i>	Amherst Island.	<i>Benjamin Booth,</i>	Ernest-town.
<i>Alexander McHenry,</i>	Fredericksburgh.	<i>Luke Carscallen,</i>	Fredericksburgh.
<i>Samuel Detlor,</i>	do.	<i>Michael Huffman,</i>	do.
<i>Thomas Baxter,</i>	do.	<i>Isaac Briscoe,</i>	Ernest-town.
<i>Timothy Chambers,</i>	do.	<i>Michael Asselstine, Esq.,</i>	do.
<i>James Canniff,</i>	Adolphustown.	<i>Daniel Dajoe,</i>	Fredericksburgh.
<i>Archibald McNeil, Esq.,</i>	Richmond.	<i>David Barker,</i>	Picton.
<i>John Benson,</i>	Napanee.	<i>Samuel Lockwood,</i>	Ernest-town.
<i>Donald McKenzie, Esq.,</i>	Belleville.	<i>Jacob McDonald,</i>	Camden.
<i>Robert Preston,</i>	Amherst Island.	<i>Thomas M. Outwaters,</i>	Fredericksburgh.
<i>Thomas Walden,</i>	Richmond.	<i>James McConnell,</i>	Ernest-town.
<i>Rev. Job Deacon,</i>	Adolphustown.	<i>Thomas Douglass,</i>	Fredericksburgh.
<i>Samuel Barry,</i>	Amherst Island.	<i>James Cotter, Esquire,</i>	Sophiasburgh, P. Ed. Dist.

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List of Witnesses  
in the behalf of  
Mr. Cartwright,  
the sitting member  
for Lennox and  
Addington.

<i>Edward Swain,</i>	Ernest-town.	<i>Abraham Irish,</i>	Ernest-town.
<i>David M. Whirter,</i>	Marysburgh, P.	<i>Samuel H. Lockwood,</i>	do.
	Ed. Dist.	<i>Jonathan Parrott,</i>	do.
<i>Richard Pringle,</i>	Richmond.	<i>Nicholas Snider, jr.,</i>	do.
<i>Aaron D. Dougall,</i>	Picton.	<i>Weedon Walker,</i>	do.
<i>Patrick Murphy,</i>	Camden.	<i>Charles Walker,</i>	do.



NAMES.	RESIDENCE.	NAMES.	RESIDENCE.
<i>William Wayland,</i>	do.	<i>Peter Huffman,</i>	Camden.
<i>John Douling,</i>	do.	<i>Wilson Nelson,</i>	do.
<i>George Scriver,</i>	Fredericksburgh.	<i>John Hopper,</i>	Fredericksburgh.
<i>Jacob Snider,</i>	Ernest-town.	<i>William N. Rombough,</i>	do.
<i>Eli Peters, Jr.,</i>	do.	<i>Frederick Creighton,</i>	do.
<i>William McKee,</i>	do.	<i>James Chamberlain,</i>	do.
<i>John Embury,</i>	Richmond.	<i>William Edgar,</i>	do.
<i>Richard Grange,</i>	Fredericksburgh.	<i>Philip Edgar,</i>	do.
<i>Jacob Hoover,</i>	Adolphustown.	<i>George Clark,</i>	Sheffield.
<i>Stephen Griffis,</i>	do.	<i>John Woodcock,</i>	do.
<i>John Mullett,</i>	do.	<i>Donald Stewart,</i>	Napance.
<i>Abraham Bowen,</i>	Richmond.	<i>Valentine Stover,</i>	Ernest Town.
<i>Thomas Baker,</i>	Camden.	<i>Jacob Hartman, jr,</i>	do.
<i>George Reynolds,</i>	do.	<i>Luther Gaylord,</i>	do.
<i>Daniel Bower,</i>	do.	<i>Joshua B. Lockwood,</i>	Camden.
<i>George Baker,</i>	Ernest-town.	<i>Henry Parrott,</i>	Ernest-town.
<i>William Davidson,</i>	do.	<i>Andrew Kerr, Esquire,</i>	Marysburgh.
<i>John S. Brown,</i>	do.	<i>William Napier,</i>	Camden.
<i>Samuel D. Purdy,</i>	do.	<i>John McMahon,</i>	do.
<i>Anthony Murray,</i>	Richmond.	<i>Peter S. Kellar,</i>	do.
<i>Neil McNeil, jr.,</i>	do.	<i>Francis Burns,</i>	do.
<i>J. C. Penny,</i>	Camden.	<i>Joseph Dope,</i>	do.
<i>Thomas Wilson,</i>	do.	<i>Robert Reid,</i>	do.
<i>Robert Grange,</i>	do.	<i>George Bowers,</i>	Fredericksburgh.
<i>Hugh Hughes,</i>	do.	<i>Conrad Sills,</i>	do.
<i>Ralph Purdy, Esquire,</i>	Sidney, Victoria District.	<i>John Loyst,</i>	do.
<i>George Harwood,</i>	Fredericksburgh.	<i>Abraham Loyst,</i>	do.
<i>William Griffis,</i>	do.	<i>Charles McDonell,</i>	Richmond.
<i>Martin Hughes,</i>	do.	<i>Gilbert McGreer,</i>	do.
<i>Benjamin Seymour, Esq.,</i>	Bath.	<i>John Bogert,</i>	Adolphustown.
<i>William G. Bartles,</i>	Fredericksburgh.	<i>Henry Davis,</i>	do.
<i>John M. Files,</i>	do.	<i>Alpheus Miller,</i>	Ernest-town.
<i>James Joyce,</i>	do.	<i>Thomas Aishton,</i>	do.
<i>Edward Henderson,</i>	Ernest-town.	<i>Thomas D. Clark,</i>	do.
<i>Nicholas Amey,</i>	do.	<i>Joseph Dennee,</i>	do.
<i>Lewis Hartman,</i>	do.	<i>Jacob Van Cleak,</i>	do.
<i>James Brandon,</i>	do.	<i>Charles McGuin,</i>	do.
<i>Isaac F. Hiller,</i>	do.	<i>Hazleton Walker,</i>	do.
<i>William Bowen,</i>	Richmond.	<i>Jeremiah Snider,</i>	do.
<i>Peter Simmons,</i>	do.	<i>George Snider,</i>	do.
<i>Archibald Reid,</i>	Camden.	<i>Francis Demorest,</i>	Richmond.
<i>Peter Bowen,</i>	do.	<i>Abra Gould,</i>	do.
<i>David Shibley,</i>	Ernest Town.	<i>David B. Brown,</i>	Fredericksburgh.
<i>Hugh Miligan,</i>	do.	<i>Alexander Shaw,</i>	do.
<i>Abraham Hagerman,</i>	do.	<i>Robert Dawling,</i>	Camden.
<i>John Hagerman,</i>	do.	<i>Thomas Murphy,</i>	do.
<i>Alexander Gordon,</i>	do.	<i>Michael Dawling,</i>	do.
<i>George Finkle,</i>	do.	<i>John Hynch,</i>	Adolphustown.
<i>James Stalker,</i>	do.	<i>William Green,</i>	Fredericksburgh.
<i>Elias Price,</i>	do.	<i>William McPherson,</i>	do.
<i>William Miller,</i>	do.	<i>James Fitchett, jr.,</i>	do.
<i>John Amey,</i>	do.	<i>Ven. George Okill Stuart,</i>	Kingston.
<i>David Boyce,</i>	do.	<i>Arthur Mohan,</i>	Ernest-town.
<i>Joseph Losee,</i>	do.	<i>Peter Davy,</i>	do.
<i>Samuel Baldwin,</i>	Richmond.	<i>William Clough,</i>	do.
<i>Ephraim A. Dunham,</i>	do.	<i>Jacob Stover,</i>	do.
<i>Daniel Pringle,</i>	Bath.	<i>John Hess,</i>	do.
<i>Jonas Van Alstine,</i>	Fredericksburgh.	<i>Thomas Scott,</i>	Amherst Island.
<i>John Cornell,</i>	do.	<i>Paul Trumpour,</i>	Adolphustown.
<i>Peter Parks,</i>	do.	<i>Christopher Scrimshaw,</i>	Richmond.
<i>Joseph Purdy,</i>	Ernest-town.	<i>Allan McDonell, Esquire,</i>	Sheriff of the Mid.
<i>Abraham Amey, jr.,</i>	do.	<i>Thomas A. Corbett, Esq.,</i>	Dist., Kingston.
			Kingston.
		<i>Thomas Kirkpatrick, Esq.,</i>	Kingston.
		<i>Jno Alex. Macdonald,</i>	do.
		<i>Esq.</i>	do.
		<i>William Johnson</i>	do.
		<i>Fairfield,</i>	Bath.

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*Francis Manning Hill,* Kingston.  
*Alexander Hugh Dobbs,* do.  
*William McKay,* Bath.

*Thomas Kirkpatrick, Esq.,* Kingston.  
*Jno Alex. Macdonald,* do.  
*Esq.* do.  
*William Johnson* do.  
*Fairfield,* Bath.

Doors locked.

Mr. Speaker then desired the Sergeant-at-Arms to lock the doors; which being done, Mr. Speaker directed the Clerk to read the order for taking the said Petition into consideration, and the same being accordingly read, and the attestation of the Speaker being taken from off the Box, in which, agreeably to the Statute, the names of all the members of the House were sealed up; the same was read by the Clerk as follows:—

Attestation of the  
Speaker read by  
the Clerk.

"I attest that this Box was, on the 30th day of June 1841, made up  
"in my presence, in the manner directed by an Act passed in the fourth  
"year of the Reign of His late Majesty, GEORGE the 4th, intituled,  
"*An Act to repeal an Act passed in the forty-fifth year of His late*  
"*Majesty's Reign, intituled, 'An Act to regulate the trial of controverted*  
"*elections, or returns of Members to serve in the House of Assembly,*  
"*and to make more effectual provision for such trials.*"

AUSTIN CUVILLIER.  
Speaker.

Attestation of Clerk  
read.

The Box was then opened, and the attestation of the Clerk was  
taken out of the Box, and read by him as follows : —

"I attest that I did, on Wednesday, the *thirtieth* day of June, 1841,  
"in presence of the Speaker of this House, put into a Box, in which this  
"attestation is found, the names of all the members composing the  
"present Legislative Assembly, written upon slips of parchment and  
"rolled up as directed by An Act passed in the fourth year of the  
"Reign of His late Majesty, King GEORGE the Fourth, intituled, '*An*  
"*Act to repeal an Act, passed in the Forty-Fifth year of His late Ma-*  
"*jesty's Reign, entitled, 'An Act to regulate the trial of controverted*  
"*Elections, or returns of members to serve in the House of Assembly,*  
"*and to make more effectual provision for such trials.*"

(Signed) W. B. LINDSAY,  
Clk. Assy.

The names of the Members were taken out of the Box and put into  
three other boxes.

The drawing of the names was then proceeded in, and the following  
were drawn, to which no objection was made : —

1 McLean,	7 Price,	13 Holmes,	19 Aylwin,
2 Johnston,	8 Sir A. MacNab,	14 Berthelot,	20 Noel,
3 Crane,	9 Her. Smith,	15 Durand,	21 Child,
4 Christie,	10 Hon. D. Daly,	16 Barthe,	22 Black,
5 Taché,	11 Steele,	17 Gilchrist,	23 Robertson.
6 Boutillier,	12 Roblin,	18 Hincks,	

Clerk to Com. retires  
with the parties,  
to strike off names  
until reduced to 9.

At a quarter before *four* o'clock, P. M., the parties, with *Alfred*  
*Patrick*, Clerk to the Select Committee, retired for the purpose of  
striking said Committee.

The names of the Members remaining in the boxes, undrawn, were  
read by the Clerk.

2nd reading Aliens  
Estate bill, postponed.

The order of the day for the second reading of the bill to enable  
aliens to hold real real estate in this Province, being read,

*Ordered* — That the said order of the day be postponed, until the  
eighth instant.

Canada Assurance  
Company bill,  
read second time.

A Bill for incorporating the *Canada* Fire Assurance Company was,  
according to order, read a second time.

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That the said Bill be referred to a Committee of the whole House,  
on *Wednesday* next.

At a quarter past *four* o'clock, P. M., the Clerk to the Select Com-  
mittee delivered to the Clerk of the House a list containing the names  
of the *nine* Members unstruck, composing the Select Committee ; which  
is as follows :

The names of the members remaining on the list, to try the merits  
of the Petitions of *Benjamin Ham*, Esq., and of *David Roblin* and  
others, complaining of the Return of *John Solomon Cartwright*, Esq.,  
to serve as Representative for the incorporated Counties of *Lennox* and  
*Addington*, in this present parliament —

1 <i>Crane</i> ,	4 <i>Berthelot</i> ,	7 <i>Aylwin</i> ,
2 <i>Taché</i> ,	5 <i>Roblin</i> ,	8 <i>Noel</i> ,
3 <i>Boutillier</i> ,	6 <i>Daly</i> ,	9 <i>Child</i> .

Mr. *Small*, Nominee for the Petitioners.

Mr. Attorney General *Draper*, Nominee, for sitting Member.

ALFRED PATRICK.

Clerk to Committee.

Members of Select  
Com. sworn.

The said *nine* Members, and the Nominees, were then severally sworn at the table, by the Clerk, in the usual manner.

Committee to meet  
forthwith.

On motion of Mr. *Hincks*, seconded by Mr. *Small*,

*Ordered* — That the Committee appointed to try the Petitions of *Benjamin Ham*, Esq., and of *David Roblin*, Esq., and others, complaining of the undue election and return of *John Solomon Cartwright*, Esq., do meet forthwith, in a Committee Room, up stairs.

Second reading  
Turner's relief bill  
postponed.

The order of the day for the second reading of the Bill to permit *Robert John Turner*, to practice as Solicitor, in the Court of Chancery, being read,

*Ordered* — That the said order of the day be postponed until *to-morrow*.

Anatomical School bill  
read second time,  
and referred to  
select committee.

A Bill for the establishment of Anatomical Schools, and for the encouragement of Anatomical Science,<sup>12</sup> was, according to order, read a second time.

*Resolved* — That the said bill be referred to a Select Committee of five members, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Committee formed.

*Ordered* — That Mr. *Simpson*, Mr. *Boutillier*, Mr. *Hermanus Smith*, Mr. *Taché*, and Mr. *Foster* do compose the said Committee.

Order of the day on  
Lower Canada  
Election proceedings  
postponed.

The Order of the day for the House in Committee to consider the orders adopted by the late House of Assembly of *Lower Canada*, for regulating its proceeding in cases of contested elections, in that Province, being read.

*Ordered* — That the said Order of the day be postponed, until *to-morrow*.<sup>13</sup>

On motion of Mr. *Small*, seconded by Mr. *Hincks*,

Speaker to issue  
summonses to  
Petitioners and sitting  
member.

*Ordered* — That the Speaker be directed to issue summonses, to the Petitioners and sitting member, for the incorporated counties of *Lennox* and *Addington*, for the attendance of such Witnesses as they shall require before the select Committee appointed to try the matter of the petition complaining of the undue election and return of *John S. Cartwright*, Esq.

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The Order of the day for the House in Committee on the second report of the Standing Committee appointed to superintend the printing of the House during the session, being read.

House in committee  
of whole, on report  
of printing committee.

The House accordingly resolved itself into the said Committee.

Mr. *Gilchrist* took the chair of the Committee, and,

Mr. *Morris* brought up the report: — received. The hon. member then read the list of charges.<sup>14</sup>

Mr. *Thorburn* observed that they appeared in accordance with every thing else, which had risen to an extravagant price upon the seat of Government being removed to *Kingston*.<sup>15</sup>

Mr. *Johnston* and Mr. *Hincks* considered them reasonable.<sup>16</sup>



**Mr. Boswell** hoped the house would not be unnecessarily taken up with disputing them, he was confident that no combination had been formed by those offering to do the work.<sup>17</sup>

**Mr. Morris** and **Mr. Parent** expressed their approval of the terms.<sup>18</sup>

(112)

and after some time spent therein,

Resolution reported.

Mr. Speaker resumed the Chair, and **Mr. Gilchrist** reported that the Committee had come to a resolution, which he was directed to report to the House, whenever it shall be pleased to receive the same.

*Ordered* — That the report be receive (sic) to-morrow.

The Order of the day for the House in Committee, on the report of Special Committee to which was referred the subject of the subscription of the House to the public Newspapers of the Province, being read.

House in com. on report of special com. on subscription for newspapers.

The House accordingly resolved itself into the said Committee.

**Mr. Armstrong** took the Chair of the Committee,

The report of the committee was, that they recommended that the clerk of the House subscribe for five hundred copies of the *Mirror*, and that tenders be offered to any of the other papers to print a given number in French.<sup>19</sup>

**Mr. Small's** rising was to prevent the report from being received, and so quashing the affair. The report was then brought up. **Mr. Small** then moved that the committee rise.<sup>20</sup>

This brought on a discussion that lasted the remainder of the session for the day: but the arguments were merely a repetition of those on a former occasion.<sup>21</sup>

**Sir Allan MacNab** was favourable to encouraging the *Mirror* as the means of disseminating through the country the business of the House.<sup>22</sup>

**Mr. Johnston** was opposed to it, on public grounds, and advocated, as the most consistent plan, the private subscriptions of the members of the House.<sup>23</sup>

**Mr. Simpson**, from the opposition that the measure had created, withdrew himself from further anxiety as regarded its success.<sup>24</sup>

**Mr. Williams** opposed it on account of its previously having encountered the disapprobation of the house.<sup>25</sup>

**Mr. Small** was opposed it as unparliamentary and unconstitutional.<sup>26</sup>

**Mr. Price** said that if one-third part of what was said in that house went forth to the public, it would not tend a great deal to elevate the wisdom of the Assembly in public estimation!<sup>27</sup>

**Capt. Steele** was desirous of encouraging the reporting of the debates. It would be a boon to the distant country people.<sup>28</sup>

**Mr. Hincks** spoke at great length about the incorrectness of reports, and was desirous that the *Mirror* should have the patronage sought for.<sup>29</sup>

**Mr. Turcotte** appeared to be very indignant (sic) that the reporters had not discovered the honied properties contained in the oracles that he had occasionally delivered.<sup>30</sup>

**Mr. Moffatt** opposed the measure of paying reporters upon principle, and as establishing (sic) a most dangerous precedent.<sup>31</sup>

**Mr. Baldwin**, on the other hand, had no such scruples with respect to its unconstitutionality, and was in favour of the recommendation of the committee.<sup>32</sup>

**Mr. Ogden** denounced it as a squabble about speeches, to the neglect of the more substantial business; he declared it, as he had done before, unconstitutional, and unparliamentary, and as totally improper to be sanctioned though it might be tolerated.<sup>33</sup>

**Col. Prince** spoke at some length in favour of encouraging the reports alledging (sic) that what had been done to provide the house with information, ought not to be denied to the county, which was deeply interested in its transactions.<sup>34</sup>

**Mr. Boswell** was of opinion that although the measure was unconstitutional he believed it to be supported from good motives.<sup>35</sup>

(112)

and after some time spent therein,

**Mr. Speaker** resumed the Chair.

Resolution reported.

**Mr. Armstrong** reported that the Committee had come to a Resolution, which he was directed to report to the House, whenever it shall be pleased to receive the same.

**Mr. Speaker** having put the question,

"Is it the pleasure of the House to receive the Report of the Committee?"

The House divided on the question, and the names being called for, they were taken down as followeth :

YEAS.

<i>Armstrong,</i>	<i>Durand,</i>	<i>Morris,</i>	<i>Smith, (Went.)</i>
<i>Baldwin,</i>	<i>Gilchrist,</i>	<i>Parent,</i>	<i>Steele,</i>
<i>Berthelot,</i>	<i>Hincks,</i>	<i>Powell,</i>	<i>Taché,</i>
<i>Boswell,</i>	<i>Holmes,</i>	<i>Price,</i>	<i>Thompson,</i>
<i>Boutillier,</i>	<i>Hopkins,</i>	<i>Prince,</i>	<i>Thorburn,</i>
<i>Buchanan,</i>	<i>Killaly, Hon. H.H. Raymond,</i>		<i>Turcotte,</i>
<i>Child,</i>	<i>MacNab, Sir A.N. Roblin,</i>		<i>Viger, Hon. D.B.</i>
<i>Dunn, Hon. J.H. Merritt,</i>	<i>Smith, (Fron.)</i>		(31)

NOES.

<i>Burnet,</i>	<i>Dunscomb,</i>	<i>Johnston,</i>	<i>Noel,</i>
<i>Christie,</i>	<i>Foster,</i>	<i>McLean,</i>	<i>Small,</i>
<i>De Salaberry,</i>	<i>Hale,</i>	<i>Moffatt, Hon. Geo. Watts</i>	— 12

So it was carried in the affirmative, and

*Ordered* — That the Report be received *to-morrow*.

Then, on motion of **Mr. Price**, seconded by **Mr. Morris**,

The House adjourned.

**Appendix, 1 July 1841.**

((Notice of Proposed Motions.))

**Mr. Derbshire** gave notice that on Monday next he would move that it be a standing order of the House that the orders of the day, and notices of motions for each day, together with the minutes of the preceding day, be printed and delivered every morning at the residence of each member.<sup>36</sup>

Footnotes — 1 July 1841.

1. Mrs. Bell was "late housekeeper to the Assembly of U.C. ...." KINGSTON CHRONICLE, 7 July 1841.

2. This petition prayed "for the continuance of the public aid thereto granted and for another grant for the purchase of Philosophical apparatus..." WESTERN HERALD, 21 July 1841.

3. KINGSTON CHRONICLE, 7 July 1841.

4. IBID.

5. Descriptions of the proceedings vis à vis Cartwright's election are found in : MONTREAL GAZETTE, 5 July 1841 ; MONTREAL GAZETTE, 9 July 1841 ; WESTERN HERALD, 21 July 1841 ; LE CANADIEN, 5 July 1841 ; BRITISH COLONIST, 7 July 1841.

6. BRITISH COLONIST, 7 July 1841.

7. IBID.

8. IBID.

9. IBID.

10. At the suggestion of Francis Hincks. BRITISH COLONIST, 7 July 1841.

11. "At the suggestion of Mr. Small, the list of witnesses connected with the disputed election of Mr. Cartwright was then read, the latter gentleman observing, that he had no desire to sit one minute longer in the house than he was by the law entitled to." BRITISH COLONIST, 7 July 1841.

12. A commentary on this is found in : LE CANADIEN, 5 July 1841.

13. "Upon the order of the day being read for a committee of the whole upon the resolutions of Mr. Neilson, Mr. Aylwin moved that the order be postponed on account of the illness of that gentleman which be certified to the house by a note which he had received to that effect." BRITISH COLONIST, 7 July 1841. See other comments about Neilson's illness in LE CANADIEN, 5 July 1841 ; MONTREAL GAZETTE, 5 July 1841.

14. BRITISH COLONIST, 7 July 1841.

15. IBID.

16. IBID.

17. IBID.

18. IBID.

19. IBID.

20. IBID.

21. IBID. See pages 131-133, 176, and 178.

22. IBID.

23. IBID.

24. IBID.

25. IBID.

26. IBID.

27. IBID.

28. IBID.

29. IBID.

30. IBID.

31. IBID.

32. IBID.

33. IBID.

34. IBID.

35. IBID.

36. KINGSTON CHRONICLE, 7 July 1841.



## Friday, 2 July 1841.

(112)

Mr. *Aylwin*, from the Select Committee appointed for taking into consideration the petition of *Benjamin Ham*, of the township of *Ernestown*, and the Petition of *David Roblin*, and others, freeholders of the

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incorporated counties of *Lennox* and *Addington*, in the *Midland* District, complaining of the undue election of *John Solomon Cartwright*, Esq., as a member to represent the said incorporated counties, reported, from the said committee, the following resolution, which was again read at the Clerk's table and agreed to by the House :

*Resolved* — That a Member of the House having offered himself as Counsel for the Petitioners, it is the opinion of this Committee that no member of the House should be received and heard before them, either as Counsel for the sitting member or any party petitioning against his return.

Resolution reported from select com. for trial of *Lennox* and *Addington* election.

Petitions brought up.

The following Petitions were severally brought up and laid on the table :

By Mr. *Raymond*, the petition of the Trustees of the College of *L'Assomption*.

By the Honourable Mr. *Viger*, the Petition of *Jacob Glen* and others, Petition of *Samuel Andres*, and *Stephen R. Andres* of *Chambly*.

By Mr. *De Salaberry*, the Petition of *Jean Baptiste René Hertel De Rouville*, Seigneur of *Rouville*, in the District of *Montreal*, — and the Petition of *Samuel Andres*, and *Stephen R. Andres* of *Chambly*.

By Mr. *Cameron*, the Petition of Rev. *William Bell*, of *Perth*.

By Mr. *Burnet*, the Petition of *John William Woolsey*, and others, of the city of *Quebec*.

By Captain *Steele*, the Petition of *Edward G. O'Brien*, and others, Justices of the Peace for the county of *Simcoe*.

By Mr. *Moore*, the Petition of *Alexander Reid*, and others, forming the temporary committee for making a rail-road from *Sherbrooke* to the *Richelieu*.

An engrossed Bill to amend an Act of that part of the Province formerly called *Upper Canada*, entitled "*An Act to provide for the making and keeping in repair the West Gwillimbury Road and Bridge, and to authorize the erection of a toll-gate thereon*," was read for the third time.

*Resolved* — That the bill do pass.

*Ordered* — That Captain *Steele* do carry the said Bill to the Legislative Council, and desire their concurrence.

Pursuant to the order of the day, the following Petitions were read : —

Of the Reverend *William Shorts*, of *Williamsburg*, praying to be naturalized.

Of *W. W. Baldwin*, and others, of the county of *York*, and city of *Toronto*; setting forth : — That great violence and intimidation were used at the late Elections in the county of *York*, and city of *Toronto*, causing destruction of property and loss of life by persons designating themselves *Orange-men*, and praying for their suppression.

Trustees of College a *L'Assomption*.

*Jacob Glen*, and others.

*J. B. R. Hertel De Rouville*, Seigneur of *Rouville*.

*S. Andres*, and

*S. R. Andres*.

Rev. *Wm. Bell*.

*J. W. Woolsey*,

and others.

*E. G. O'Brien*,

and others.

*Alexander Reid*,

and others.

*Gwillimbury Road Bridge* bill passed.

Petitions read.

Rev. *Wm. Shorts*.

*W. W. Baldwin*, and others.

Mungo Murray,  
and others.

Of *Mungo Murray*, and other inhabitants of *Shoolbred*, on the *Ristigouche*, county of *Bonaventure*, praying assistance for opening a road from *Cross Point*, to *Carleton*, in said county. — (Mr. *Christie*, acquainted the House, that His Excellency the Governor General had been pleased to give his consent that the House may proceed upon the said Petition as they shall think fit.)

Norman M'Leod,  
and others.

Of *Norman M'Leod*, and others, residing on the River *Ristigouche*, praying assistance to open a road from *Cross Point* to *Carleton*. — (Mr. *Christie*, acquainted the House, that His Excellency the Governor General had been pleased to give his consent that the House may proceed upon the said petition as they shall think fit.)

President and Direc-  
tors of Bank of U.C.

Of the President, Directors and Company of the Bank of *Upper Canada*, praying that the stock of said Bank may be increased to £500,000.

Of the President, Directors and Company of the Bank of *Upper*

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President and Direc-  
tors of Bank of  
Upper Canada.

*Canada*, praying that the section of the Act of Incorporation of said Bank requiring its principal place of business to be at the Seat of Government may be repealed.

A. V. V. Pruyn.

Of *Abraham Van Vleck Pruyn*, of the town of *Picton*, Physician, praying to be naturalized.

A. H. Blake.

Of *Ahira H. Blake*, of the town of *Picton*, Teacher, praying to be naturalized.

President and Direc-  
tors of Bank of  
Montreal.

Of the President and Directors of the Bank of *Montreal*, praying that the period of its charter may be extended, — that its corporate powers may extend to the whole Province, and that its capital stock may be increased.

Petition of A. M.  
Farewell, Abraham  
Butterfield and others,  
referred to a select  
committee.

*Resolved* — That the Petition of *A. M. Farewell*, *Abraham Butterfield*, and others, of townships of *Whitby*, and *Darlington*, presented to the House on the first instant, be referred to a committee of three members, to examine the contents thereof, and report thereon with all convenient speed, by Bill or otherwise ; with power to send for persons, papers and records.

Committee formed.

*Ordered* — That Mr. *Small*, Mr. *Merritt*, and Mr. *Baldwin*, do compose the said committee.

Statement of affairs of  
Commercial Bank laid  
before the House.

Mr. Speaker laid before the House a General Statement of the affairs of the Commercial Bank of the *Midland District*, received in conformity to an Order of this House of the *twenty-fifth of June* last.

For the said Statement see Appendix (C.)

Petition of President  
and Directors of Bank  
of U. C., referred  
to select committee.

Mr. *Roblin* moved, seconded by Mr. *Hincks*, that the petition of the President, Directors and Company, of the Bank of *Upper Canada*, praying that the section of the Act of Incorporation of said Bank, requiring its principal place of business to be at the seat of Government, may be repealed, be referred to a select Committee to examine the contents thereof ; with power to send for persons, and papers, and to report, from time to time, by Bill or otherwise, and that the said Committee shall consist of the Honorable Mr. *Dunn*, Mr. *Cartwright*, Mr. *Holmes*, Mr. *Hincks*, Mr. *Merritt*, Mr. *Buchanan*, Mr. *Morris*, and Mr. *Dunscornb*, and that the *seventy-seventh* Rule of this House be dispensed with so far as relates to this motion.<sup>1</sup>

Mr. *Black* opposed the motion as a bad precedent. The hon. member suggested, that as it was expedient that gentlemen conversant with the affairs of Banking should be selected on such occasion, he had no doubt that the wisdom of the house would appoint those who had been named, as possessing the requisite qualifications ; but he did not approve of the infringement (sic) of the rule, to invest any hon. member with the power of nomination.<sup>2</sup>

**Sir A. MacNab** supported the motion, upon the plea of expediency, considering it as a decided advantage that business involving the necessity of a competent knowledge, should be submitted to the consideration of those who were capable of assuming its direction.<sup>3</sup>

**Mr. Aylwin** could not agree with the opinions of those who advocated the measure ; it afforded no security at all for the minority in that house. A slight discussion afterwards took place....<sup>4</sup>

(114)

The House divided on the motion, and the names being called for, they were taken down, as followeth : —

## YEAS.

<i>Baldwin,</i>	<i>Dunscomb,</i>	<i>McDonald, (Pres.)</i>	<i>Simpson,</i>
<i>Boswell,</i>	<i>Duggan,</i>	<i>McDonald, (Glen.)</i>	<i>Small,</i>
<i>Buchanan,</i>	<i>Durand,</i>	<i>McLean,</i>	<i>Smith, (Fron.)</i>
<i>Burnet,</i>	<i>Gilchrist,</i>	<i>Merritt,</i>	<i>Smith, (Went.)</i>
<i>Cameron,</i>	<i>Hale,</i>	<i>Morris,</i>	<i>Sherwood,</i>
<i>Cartwright,</i>	<i>Hincks,</i>	<i>Powell,</i>	<i>Steele,</i>
<i>Christie,</i>	<i>Holmes,</i>	<i>Prince,</i>	<i>Thorburn,</i>
<i>Crane,</i>	<i>Hopkins,</i>	<i>Quesnel,</i>	<i>Turcotte,</i>
<i>Derbshire,</i>	<i>Johnston,</i>	<i>Raymond,</i>	<i>Watts,</i>
<i>De Salaberry,</i>	<i>Killaly, Hon. H.H.</i>	<i>Roblin,</i>	<i>Woods, — 42</i>
<i>Dunn, Hon. J.H.</i>	<i>MacNab, Sir A.N.</i>		

## NOES.

<i>Armstrong,</i>	<i>Child,</i>	<i>Moore,</i>	<i>Ruel,</i>
<i>Aylwin,</i>	<i>Daly, Hon. D.</i>	<i>Neilson,</i>	<i>Small,</i>
<i>Barthe,</i>	<i>Delisle,</i>	<i>Noel,</i>	<i>Taché,</i>
<i>Berthelot,</i>	<i>Draper, Hon. W.H.</i>	<i>Ogden, Hon. C. R.</i>	<i>Williams.</i>
<i>Black,</i>	<i>Foster,</i>	<i>Parent,</i>	<i>Yule. — 23</i>
<i>Bouillier,</i>	<i>Hamilton,</i>	<i>Robertson,</i>	

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So it was carried in the affirmative, and  
*Resolved*, accordingly.

*Ordered* — That the petition of the President, Directors and Company, of the Bank of *Upper Canada*, praying that the stock of said Bank be increased to £500,000, be referred to the said Committee.

**Mr. Holmes** moved, seconded by **Mr. Dunscomb** that the petition of the President and Directors, of the Bank of *Montreal*, be referred to the select Committee to which was referred the petition of the President Directors and Company, of the Bank of *Upper Canada*, praying that the section of the Act of Incorporation of said Bank, requiring its principal place of business to be at the Seat of Government may be repealed.

The House divided on the motion, and the names being called for, they were taken down, as followeth : —

## YEAS.

<i>Baldwin, Hon. R.</i>	<i>De Salaberry,</i>	<i>Johnston,</i>	<i>Raymond,</i>
<i>Berthelot,</i>	<i>Draper, Hon. W.H.</i>	<i>Killaly, Hon. H.H.</i>	<i>Robertson,</i>
<i>Boswell,</i>	<i>Dunn, Hon. J. H.</i>	<i>McNab, Sir A.N.</i>	<i>Roblin,</i>
<i>Buchanan,</i>	<i>Dunscomb,</i>	<i>McDonald, (Pres.)</i>	<i>Small,</i>
<i>Burnet,</i>	<i>Duggan,</i>	<i>McDonald, (Glen.)</i>	<i>Smith, (Fron.)</i>
<i>Cameron,</i>	<i>Durand,</i>	<i>McLean,</i>	<i>Smith, (Went.)</i>
<i>Cartwright,</i>	<i>Foster,</i>	<i>Merritt,</i>	<i>Sherwood,</i>
<i>Christie,</i>	<i>Gilchrist,</i>	<i>Moore,</i>	<i>Steel,</i>
<i>Crane,</i>	<i>Hale,</i>	<i>Morris,</i>	<i>Thorburn,</i>
<i>Daly, Hon. D.</i>	<i>Hincks,</i>	<i>Ogden, Hon. C. R.</i>	<i>Turcotte,</i>
<i>Day, Hon. C.D.</i>	<i>Holmes,</i>	<i>Powell,</i>	<i>Watts,</i>
<i>Derbshire,</i>	<i>Hopkins,</i>	<i>Quesnel,</i>	<i>Woods. — 48</i>

Second Petition of  
President, Directors  
and Company of Bank  
of U. C., referred  
to same com.

Petition of President  
and Directors of the  
Bank of Montreal,  
referred to same com.



## NOES.

<i>Armstrong,</i>	<i>Child,</i>	<i>Parent,</i>	<i>Taschereau,</i>
<i>Aylwin,</i>	<i>Delisle,</i>	<i>Ruel,</i>	<i>Viger, Hon. D.B.</i>
<i>Barthe,</i>	<i>Hamilton,</i>	<i>Simpson,</i>	<i>Williams,</i>
<i>Black,</i>	<i>Neilson,</i>	<i>Taché,</i>	<i>Yule. — 18</i>
<i>Boutillier,</i>	<i>Noel,</i>		

So it was carried in the affirmative, and  
*Ordered* accordingly.

Mr. Buchanan,  
 added to committee  
 on currency.

*Ordered* — That Mr. *Buchanan* be added to the select Committee, appointed to inquire and report to this House such measures as will most readily equalize the rates of exchange, and assimilate the currency throughout this Province.

Petition of President  
 and Directors of  
 Commercial Bank and  
 Petition of President,  
 Directors and Stock-  
 holders of the city  
 Bank of Montreal  
 referred to committee  
 on Petition of U. C.  
 Bank, &c.

Mr. *Morris* moved, seconded by Mr. *Boswell*, that the petitions of the President, Directors and Stockholders, of the Commercial Bank of the *Midland District*, presented to the House on the *twenty-eighth* of *June* last, — and of the President, Directors and Stockholders, of the City Bank, of the City of *Montreal*, presented to the House on the *first* instant, — be referred to the select Committee to which was referred the petition of the President, Directors, and Company, of the Bank of *Upper Canada*, praying that the section of the Act of Incorporation of said Bank requiring its principal place of business to be at the Seat of Government may be repealed.

The question having been put upon the said motion, a division ensued and it was carried in the affirmative and

*Ordered* accordingly.<sup>8</sup>

(116)

House, on Tuesday  
 next, to go into com.  
 of whole, on Act for  
 payment of claims.

On motion of Mr. *Prince*, seconded by Mr. *Thorburn*,

*Resolved* — That this House will, on *Tuesday* next, resolve itself into a Committee of the whole House to consider the expediency of amending the Act now in force in that part of this Province formerly called *Upper Canada*, entitled "*An Act to ascertain and provide for the 'payment of all just claims arising from the late Rebellion and invasion of this Province'*" by enlarging the time for the sittings of the Commissioners to be appointed under and by virtue of that Act.

House to go into com.  
 of whole, on Tuesday  
 next, on Game Law.

On motion of Mr. *Prince*, seconded by Mr. *Henry Smith*,

*Resolved* — That this House will, on *Tuesday* next, resolve itself into a Committee of the whole House, to take into consideration the expediency of amending the Act now in force in that part of this Province formerly called *Upper Canada*, entitled "*An Act to amend an 'Act passed in the fourth year of the Reign of His Majesty King 'George the Fourth, entitled 'An Act for the preservation of Deer 'within this Province,' and to extend the provisions of the same, and 'to prohibit hunting and shooting on the Lord's Day,'*" by altering the time for the commencement of Woodcock shooting from the *first* day of *September* to the *fifteenth* day of *July*, in every year.

Order of day on  
 Simcoe District loan  
 revived.

On motion of Captain *Steele*, seconded by Mr. *Merritt*,

*Ordered* — That the Order of the day for the House in Committee to consider the expediency of authorizing an additional loan to complete the Court House and Gaol of the District of *Simcoe*, lost by the adjournment of the House yesterday, be revived, and that this House will, on *Thursday* next, resolve itself into the said Committee.

On motion of Mr. Solicitor General *Day*, seconded by the Honorable Mr. *Daly*,

House to go into com.  
 of whole, on Ordi-  
 nances relating to  
 Board of Works, on  
 Tuesday next.

*Resolved* — That this House will, on *Tuesday* next, resolve itself into a Committee of the whole House, to take into consideration the expediency of repealing an Ordinance of the Legislature of that part of this Province heretofore called *Lower Canada*, intituled "*An Or-*

"*dinance to establish a Board of Works in this Province,*" and another Ordinance of the same Legislature, intituled "*An Ordinance to amend and render permanent the Ordinance establishing a Board of Works in this Province,*" and of making provision for the establishment of a Board of Works for the Province of Canada.

On motion of Mr. Solicited (sic) General Day, seconded by Mr. Black,

House, on Wednesday next, to go into committee of whole, on address to His Excellency, for revising statutes of Lower Canada.

*Resolved* — That this House will, on *Wednesday* next, resolve itself into a Committee of the whole House to take into consideration the expediency of presenting an humble Address to His Excellency, the Governor General, praying His Excellency to appoint a Commission for the purpose of revising the Statutes and Ordinances of that part of this Province formerly called *Lower Canada*.<sup>6</sup>

Mr. Solicitor General Day ... ((declared)) ... that the House would provide for the expenses of the same. The learned gentleman remarked, that there were many laws on the statute books, that were a dead letter: and that, as there were many legal gentlemen holding seats from the lower province, he had no doubt that, during the discussion that would ensue, they would be enabled to ferret them out, and make such a revision as would be extremely beneficial.<sup>7</sup>

Mr. Neilson admitted the voluminous character of the statutes, but objected to the form of the motion. It went to pledge the House to make good the needful cost, but he knew not whether they had any funds or not.<sup>8</sup> The House ought not to pledge itself to make good any expenditure, until the financial state of the country had been enquired into and ascertained.<sup>9</sup>

Mr. Aylwin expressed his unqualified approbation, at what had fallen from the learned Sol. General. The proposition, observed the member for Port Neuf, is an excellent one; and if Ministers will only come forward with such useful measures as these, they shall never want my firm support. Let our statutes, added he, undergo that wholesome weeding that they require, and clothe them in a British garb, and I am sure, for the happiness of the province, that many of those evils, that have engendered so much heartsearing and bitterness among its inhabitants will speedily be removed.<sup>10</sup>

Mr. Draper concurred in the sentiments of the member for Port Neuf. A proper digest would prevent the necessity of wading through a mass of much confusion. It was his opinion, that if the Commission was properly carried out, it would lead to that amalgamation of the provinces that was so desirable.<sup>11</sup>

Sir Allan MacNab ... on the present occasion ... did not fail to coincide with Mr. Neilson.<sup>12</sup>

Mr. Draper and Mr. Simpson ((said a few words))...<sup>13</sup>

The motion was altered, so as to allow of its first being considered in Committee...<sup>14</sup>

Mr. Day alleged as his excuse for his present course, the exact conformity with the proceedings adopted in Upper Canada in a similar matter.<sup>15</sup>

(116)

On motion of Sir Allan McNab, seconded by Mr. Black,

Special committee on Clerk's office to report from time to time.

*Ordered* — That the Special Committee appointed to inquire what assistance it will be necessary to afford to the Clerk, and what offices and departments it will be expedient to establish for the effective and orderly conduct of the business of this House, have power to report from time to time.

Report of Special committee on Clerk's office.

Sir Allan McNab, from the Special Committee appointed to inquire what assistance it will be necessary to afford to the Clerk, and what offices and departments it will be expedient to establish for the effective and orderly conduct of the business of this House, presented to the

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House the first Report of the said Committee, which was again read at the Clerk's Table, and is as followeth: —

The Committee called upon the Clerk of the House to furnish them with a statement of the officers and servants necessary for the business and convenience of the different departments. The Statement thus furnished is herewith appended; and your Committee, having carefully examined the same, and agreed thereto, respectfully submit it for the adoption of the House.

CLERK'S OFFICE,  
LEGISLATIVE ASSEMBLY, 28TH JUNE 1841.

Clerk's statement.

The Clerk respectfully submits to the Committee the following statement, shewing the officers and messengers which he will require in his establishment, to carry on the public business of the Assembly, during the sittings and recess of Parliament, with the salaries and allowances which he humbly thinks they will severally be entitled to. The Clerk, on referring to the Lists of the officers of the two Houses of Assembly, of the late Provinces of *Upper* and *Lower Canada*, perceives that some of them, from age and long services, have fair claim to pensions: he has, therefore, appended a scale which he submits to the Committee, should they feel disposed to recommend those persons to the favorable consideration of the House.

PERMANENT OFFICERS.

<i>G. W. Wicksteed</i> , English Translator, and, in the event of no Law Clerk being appointed by the Executive, to perform the duties required by that officer, by the Rule adopted by this House.		
Per annum, currency .....	£350	0 0
<i>Henry Voyer</i> , French Translator .....	250	0 0
<i>Alexander Lemoine</i> , Asst. do., 20s. per diem during Session .....		
<i>William P. Patrick</i> , Chief Office Clerk .....	350	0 0
<i>William Ross</i> , Chief Clerk Committees .....	300	0 0
<i>Alfred Patrick</i> , Second do .....	225	0 0
<i>Thomas Vaux</i> , Second Office Clerk .....	225	0 0
<i>Pierre E. Gagnon</i> , Clerk of the French Journals .....	225	0 0
<i>George M. Muir</i> , Clerk of English Journals .....	225	0 0
Librarian .....	200	0 0
Deputy Librarian .....	100	0 0

The above salaries to commence from the 14th *June*, ultimo.

It is to be understood that all the permanent officers of the House (including the Clerk and Clerk Assistant) are to complete and finish the whole work of the year.

EXTRA CLERKS AND WRITERS.

To be paid at the rate of *ten shillings* per diem of six hours, and in proportion for extra hours. They are also to attend committees, if necessary, and generally to perform any work required in the offices.

MESSENGERS AND DOORKEEPERS.

*A. Leroux dit Cardinal*, Chief Messenger, ..... £100 0 0  
with the allowance he had at *Quebec*. This person's services will be required all the year.

Other Messengers and Doorkeepers to be paid at the rate of seven shillings and sixpence per diem, during the Session. Services not required during Recess.

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<i>King Barton</i> , House Page, — during the Session ....	40	0 0
<i>Hugh McClellan</i> , Door-keeper, — during the Session, in full .....	60	0 0



## SCALE OF PENSIONS, OR RETIRING ALLOWANCES.

*Louis B. Pinguet*, Clerk of Committees in *Lower Canada*; infirm, and a very old officer: received £100 per annum — Recommended for two thirds of his salary.

*David Jardine*, an old officer in *Upper Canada* — Recommended for two thirds of his salary.

*William Coates*, an old officer in *Upper Canada* — Recommended for two thirds of his salary.

*Samuel Waller*, Clerk of Committees, *Lower Canada*: Has received half pay of £200 since the suspension of the *Lower Canada* Constitution — Recommended for one half salary.

*Jasper Brewer*, Librarian, an old officer of *Lower Canada* Assembly, but desirous of retiring, being in a bad state of health: he received £200 per annum — Recommended for two thirds of his salary.

*Ænas Bell* — This person has been left in charge of the Parliament House at Toronto — Recommended for £18 per annum.

*F. Rodrigue* and *Louis Gagné*, Door-keepers, have large families in *Quebec*, and unable to proceed to Kingston — Recommended for the half pay they now enjoy, say £18 each.

W. B. LINDSAY,  
Clk. Assy.

Report referred to  
committee of whole.

*Ordered* — That the said Report be referred to a Committee of the whole House on *Monday* next.

Special com. on peti-  
tion of J.A. Tailhades,  
report by bill.

Mr. *Parent*, from the Special Committee to which was referred the petition of *Jacques Alexandre Tailhades*, Gentleman, with power to report by Bill or otherwise, presented to the House a Bill to secure to and confer upon *Jacques Alexandre Tailhades*, an inhabitant of this Province, the civil and political rights of a natural born British subject, which was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Wednesday*, the *fourteenth* instant.<sup>10</sup>

On motion of Mr. Simpson, seconded by Mr. *Neilson*.

*Ordered* — That when this House doth adjourn it will adjourn until *Monday* next.

Committee on Petition  
of Geo. Rykert, and  
others, report Niagara  
district Bank bill.

Mr. *Merritt*, from the Special Committee to which was referred the petition of *George Rykert*, and others, inhabitants of the District of *Niagara*, with power to report by Bill or otherwise, presented to the House a Bill to incorporate sundry persons under the style and title of the President, Directors and Company, of the Bank of the *Niagara* District; which was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Wednesday* next.

On motion of Mr. Attorney General *Draper*, seconded by Mr. Solicitor General *Day*,

*Ordered* — That the order of the day, for the House in Committee, to take into consideration the state of the Law relating to the Courts of Requests, in that part of the Province formerly called *Upper Canada*, lost by the adjournment of the House yesterday, be revived; and that this House will, on *Tuesday* next, resolve itself into the said Committee, and that it be then the first order of the day.

(119)

On motion of Mr. *Prince*, seconded by Mr. *Boswell*,

*Ordered* — That *William Dunlop*, Esquire, the petitioner in the matter of the controverted election for the County of *Huron*, do before one o'clock in the afternoon of *Monday*, the *fifth* day of *July*, instant, deliver to *James McGill Strachan*, Esquire, the sitting member for the said County, or to his Agent, a List of the persons intended by the petitioner to be objected to, who voted for the sitting member at the

Order of the day  
for the House in  
committee on Court  
of Requests Law of  
U. C. revived.

Lists of objected votes  
to be furnished by the  
parties to the Huron  
contested election.

said election, giving in the said List the several heads of objections, and distinguishing the same against the names of the voters excepted to ; and that the said *James McGill Strachan*, or his Agent, do within the same time, deliver a like List on his part to the said Petitioner or his Agent.

Mr. Simpson added to the committee on currency.

*Ordered* — That Mr. *Simpson* be added to the Select Committee appointed to inquire and report to this House such measures as will most readily equalize the rates of exchange, and assimilate the currency throughout this Province.

Mr. Taché and Mr. Berthelot, added to the com. on ordinance respecting notaries in Gaspé.

*Ordered* — That Mr. *Taché* and Mr. *Berthelot* be added to the Special Committee to which was referred the Bill to amend a certain Ordinance passed in the third year of Her Majesty's Reign, intituled "*An Ordinance to provide permanently for the want of Notaries in the Inferior District of Gaspé, and to remove doubts therein mentioned.*"

**Mr. Thorburn** moved, that a special committee be appointed, to whom the contingent accounts and expenses of the House shall be referred, from time to time.<sup>17</sup>

**Sir. A. N. MacNab** could not understand the motive for adopting such a course.<sup>18</sup>

**Mr. Thorburn** explained. What was due previous to the present session, he supposed would be paid by each province respectively — but the charges that had been incurred during the present Parliament, would have to be defrayed by the House. Now, as he (Mr. T.) knew that many, who were employed on the establishment of the House, were in need of funds, he should propose that an address be presented to his Excellency, to place a sum of money in the hands of the Speaker, to be applied for such purpose, in conformity with the orders of the House.<sup>19</sup>

(119)

Committee on contingencies appointed.

*Resolved* — That a committee of *five* members be appointed, to which the contingent accounts and expenses of this House during the present Session shall be referred, to report from time to time ; with power to send for persons, papers, and records.

*Ordered* — That Mr. *Thorburn*, Mr. *Neilson*, Mr. *Cartwright*, Mr. *Hale*, and Mr. *Parent*, do compose the said committee.

Report of Commissioners of Chambly canal presented.

The Honourable Mr. *Killaly*, presented to the House the report of the Commissioners of the *Chambly Canal*.

For the said Report see Appendix (D.)

Committee appointed on transit of products.

*Resolved* — That a committee of *seven* members be appointed to examine into the prices paid, and the methods adopted, for the transit of products, on the different communications, within this Province, to report thereon with all convenient speed ; with power to send for persons, papers, and records.

*Ordered* — That Mr. *Merritt*, Mr. *Burnet*, the Honourable Mr. *Killaly*, Mr. *Buchanan*, Mr. *Dunscomb*, Mr. *Neilson*, and Mr. *Crane*, do compose the said committee.

Order of day, second reading Sydenham Mountain Road bill, postponed.

The order of the day for the second reading of the Bill to establish a Company by the name of the "*Sydenham Mountain Road Company*," being read,

*Ordered* — That the said order of the day be postponed until *Tuesday* next.

Also second reading Bill to enable members to vacate their seats.

The order of the day for the second reading of the Bill to enable members of the Legislative Assembly, for places within that part of the Province formerly constituting the Province of *Upper Canada*, to vacate their seats, in certain cases, and for other purposes, being read,

*Ordered* — That the said order of the day be postponed until *Tuesday* next.

A Bill to permit *Robert John Turner* to practice as Solicitor in the Court of Chancery was, according to order, read a second time.<sup>20</sup>

The bill having been introduced by **Col. Prince**, the hon. member took the opportunity to make some remarks upon the occasion. He observed that the Court of Chancery had been established in this province about four years, and that the gentleman, for whom the sanction of parliament was now sought to admit him as a practitioner, was well known for his abilities, and of indispensable utility to many of the profession in Upper Canada. That his testimonials were of the highest order, and that although some vague rumours had gone abroad, relative to a report connected with his name when in England, from the public and private estimation in which he knew him to be held in this country, he hoped hon. gentlemen would discard all undue prejudice from their minds, and give the bill a free passage.<sup>21</sup>

**Sir. A. MacNab** opposed the motion, upon the grounds of Mr. Turner's having been rejected by the Vice Chancellor, and observing that if such talents and virtues were concentrated in Mr. Turner, the report ought to be on the journals.<sup>22</sup>

**Col. Prince** replied, that it was, and proceeded immediately to read it. The gallant Col. then in allusion to the Vice Chancellor's refusal, assigned as a sufficient reason, for Mr. Turner's not having succeeded in his application, that the number of practitioners from England, to be admitted by the act, being limited to six, and Mr. Turner having applied too late, he thought it advisable to prevent further delay, to apply for the assistance of parliament.<sup>23</sup>

**Mr. Aylwin** felt it his duty, to resist the motion. — There was something requisite, in addition to talents, to entitle any one to be admitted as a gentleman to practise in the Court of Chancery. The representations, that he had heard, militated most seriously against the moral character of Mr. Turner, and unless they were substantially rebutted, and that gentleman came forth unblemished and unstained, he would never give his consent to the passing of a bill, which would for ever remain as a record of the total disregard of that house, for those solemn obligations of morality, upon which the very structure of society is based.<sup>24</sup>

**Col. Prince** replied at some length, to the hon. member for Port Neuf.... The gallant Col. denied the existing of any cause, for such dark and mysterious insinuations. It was true, he said, that Mr. Turner had once been known under another name. For so doing, he himself could not refrain from saying that he was not undeserving of censure — but, as a plain exposition of facts, it originated from this: Mr. Turner had conducted a most extensive practice as a highly respectable solicitor at Norwich, and unfortunately having become deeply involved, owing to the generosity of his disposition, in becoming security for his friends to a large amount — (hear, hear) — he had emigrated to this country, under a fictitious name, in the hope of practising in security, until he was able to meet those demands, in which, for the benefit of others, he had become involved even to ruin. (Hear, hear.) He *had* met those demands by his talents and assiduity to the satisfaction of all parties; and now he stood forward fearlessly in his own proper character. (Hear.) In palliation of so serious a charge, as that of an assumed name, the hon. member facetiously remarked that it was a crime of aristocratic precedent, — my lord or his grace often descending from his high dignity, to wend his way among inferior mortals, under the modest cognomen of a Jackson or a Thompson, which was politely termed being *incog*. If the breath of slander, observed the gallant Col. in conclusion, is to be the proof of guilt, what character then, however unsullied, however spotless, can serve as a shield against the envenomed shaft. But if professional talents of the highest order, of respectability and moral worth, of domestic virtues, and all those qualities that are estimable in the human character, — if these can entitle Mr. Turner, to the suffrages of this house, then said the hon. member, I am convinced that I shall not have appealed to it in vain, but it will pronounce by its decision that great and moral maxim, that every man has a right to be *regarded as innocent* until he has been found *guilty*.<sup>25</sup>

**Sir Allan ((MacNab))** attacked Mr. Turner very bitterly....<sup>26</sup>

**Mr. Black** also opposed the bill....<sup>27</sup>

**Mr. Sol. General Day** passed a high eulogium in his favour....<sup>28</sup>

**Capt. Steele** was also favourable to the motion....<sup>29</sup>



Some of the opponents of the bill...repeated on the floor of the House reports which prevailed elsewhere derogatory to the good fame of Mr. Turner....<sup>30</sup>

**Mr. Viger** took them up. — He said that when last in England he was present at a debate in the Commons, when a Member of Parliament, abusing his privilege, of liberty of speech, had utterly ruined the character of an innocent man. The effect, upon his mind, was to produce a horror of similar proceedings, and he conjured the Hon. Members to recollect that they were called to act in a legislative and not judicial capacity.<sup>31</sup>

(119)

Amendment to bill for relief of R. J. Turner.

**Mr. Baldwin** moved, seconded by **Mr. Hincks**, that the following amendment be made to the said Bill : —

(120)

*Preamble —*

Amendment to bill for relief of H. J. Turner.

Line II. — After "Draftsman in this Province" insert "and was of "essential service from his acquaintance with the practice and proceedings of the High Court of Chancery in *England*, in facilitating the "business of the Court of Chancery in this Province on its first establishment."

**Mr. Roblin** moved, seconded by **Mr. Black**, that the said Bill and amendment be referred to a committee of the whole House on *Wednesday* next.

The question having been put upon the said motion, a division ensued, and it passed in the negative.

The question being then put upon the main motion, the House divided thereon, and the names being called for, they were taken down as followeth : —

YEAS.

<i>Armstrong,</i>	<i>De Salaberry,</i>	<i>Moore,</i>	<i>Ruel,</i>
<i>Berthelot,</i>	<i>Dunn, Hon. J. H.</i>	<i>Morris,</i>	<i>Simpson,</i>
<i>Boswell,</i>	<i>Dunscomb,</i>	<i>Neilson,</i>	<i>Steele,</i>
<i>Boutillier,</i>	<i>Durand,</i>	<i>Noel,</i>	<i>Taché,</i>
<i>Buchanan,</i>	<i>Foster,</i>	<i>Parent,</i>	<i>Taschereau,</i>
<i>Christie,</i>	<i>Hamilton,</i>	<i>Powell,</i>	<i>Turcotte,</i>
<i>Daly, Hon. D.</i>	<i>Holmes,</i>	<i>Prince,</i>	<i>Viger, Hon. D.B.</i>
<i>Delisle,</i>	<i>Johnston,</i>	<i>Quesnel,</i>	<i>Yule. — 35</i>
<i>Derbshire,</i>	<i>Killaly, Hon. H.H.</i>	<i>Raymond,</i>	

NOES.

<i>Aylwin,</i>	<i>Crane,</i>	<i>MacNab, Sir A.N. Smith, (Fron.)</i>
<i>Black,</i>	<i>Day, Hon. C.D.</i>	<i>McLean, Sherwood,</i>
<i>Burnet,</i>	<i>Duggan,</i>	<i>Ogden, Hon. C.R. Strachan. — 15</i>
<i>Child,</i>	<i>Hale,</i>	<i>Roblin,</i>

So it was carried in the affirmative, and

*Ordered* accordingly.

**Mr. Prince** moved, seconded by **Mr. Boswell**, that the said Bill, as amended be engrossed.

The question having been put upon the said motion, the House divided thereon, and the names being called for, they were taken down as followeth : —

YEAS.

<i>Armstrong,</i>	<i>Derbshire,</i>	<i>Killaly, Hon. H.H.</i>	<i>Ruel,</i>
<i>Barthe,</i>	<i>De Salaberry,</i>	<i>Moore,</i>	<i>Simpson,</i>
<i>Berthelot,</i>	<i>Dunn, Hon. J.H.</i>	<i>Neilson,</i>	<i>Smith, (Fron.)</i>
<i>Boswell,</i>	<i>Dunscomb,</i>	<i>Noel,</i>	<i>Steele,</i>
<i>Boutillier,</i>	<i>Durand,</i>	<i>Parent,</i>	<i>Taché,</i>
<i>Buchanan,</i>	<i>Foster,</i>	<i>Powell,</i>	<i>Taschereau,</i>
<i>Christie,</i>	<i>Hale,</i>	<i>Prince,</i>	<i>Turcotte,</i>
<i>Daly, Hon. D.</i>	<i>Hamilton,</i>	<i>Quesnel,</i>	<i>Viger, Hon. D.B.</i>
<i>Day, Hon. C.D.</i>	<i>Holmes,</i>	<i>Raymond,</i>	<i>Yule. — 38.</i>
<i>Delisle,</i>	<i>Johnston,</i>		

NOES.

<i>Aylwin,</i>	<i>Duggan,</i>	<i>McLean,</i>	<i>Smith, (Went.)</i>
<i>Black,</i>	<i>Crane,</i>	<i>Ogden, Hon. C.R.</i>	<i>Sherwood,</i>
<i>Burnet,</i>	<i>MacNab, Sir A.N.</i>	<i>Roblin,</i>	<i>Strachan. — 13.</i>
<i>Child,</i>			

So it was carried in the affirmative, and  
*Ordered* accordingly.

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Then, on motion of Mr. *Hamilton*, seconded by Mr. *Henry Smith*,  
 The House adjourned.

### Appendix, 2 July 1841.

#### ((Notice of Proposed Motions.))

Mr. *Burnet* gave notice, that he would move that an humble address be presented to his Excellency, from the electors of Quebec, praying for the restoration of those sacred rights of which they had been deprived by proclamation; and that a committee be appointed to report thereon, with liberty to send for persons and papers.<sup>32</sup>

Mr. *Small* gave notice that, on the 8th, he would move that the House go into Committee to consider the propriety of repealing certain parts of the law of Upper Canada relating to the wages of Members of the Assembly; and on the 7th, he would move to read the Journals of Upper Canada, in reference to the petitions of J. F. Taylor and C.C. Small, on the subject of their claims for services at the special sessions of Oyer and Terminer, for trials of high treason, in 1838.<sup>33</sup>

Mr. *Moffatt* ... gave notice, on Thursday, of his intention to introduce a Bill regarding the inspection of produce. It is understood that the Honourable Member for your city proposes, that ashes, provisions, or flour, may be exported without without (sic) inspection; but, at the same time, Inspectors at Toronto, Kingston, Montreal, and Quebec, continue (sic) to discharge the duty of examiner, &c., whenever called upon by purchaser and vender.<sup>34</sup>

Sir A. N. *MacNab* gave notice that, on the 5th, he would move, that in future when motions are made to bring up petitions, and for the second reading of Bills on any future day, or for adjournment of the House, except it be special, such motion be verbal.<sup>35</sup>

Mr. *Burnet* gave notice, for the 5th, of a motion for an Address to His Excellency, praying for a statement of the money expended on the Chambly Canal, and the present state of that work.<sup>36</sup>

#### ((Motion to Revive Simcoe Gaol Bill.))

Mr. *Steele* moved that, on Thursday, the order of the day on the Simcoe Gaol Bill, lost by a former adjournment of the House, be revived.<sup>37</sup>

#### ((Question Re : Suppression of Orange Lodges.))

Mr. *Small* inquired of the Attorney-General, for the West, whether Government intended to do any thing with regard to the suppression of Orange lodges? otherwise he should proceed with the petition thereon, the ensuing week.<sup>39</sup>

Footnotes — 2 July 1841.

1. The debate on this motion was reported in: *BRITISH COLONIST*, 7 July 1841; *MONTREAL GAZETTE*, 9 July 1841.

2. *BRITISH COLONIST*, 7 July 1841.

3. *IBID.*

4. *IBID.*

5. The *BRITISH COLONIST*, 7 July 1841 reported that: "the house manifesting some impatience at the waste of time, upon a motion ... relative to the Commercial Bank of the Midland District, it was carried unanimously."

6. The ensuing debate was reported in : MONTREAL GAZETTE, 6 July 1841 ; BRITISH COLONIST, 7 July 1841 ; ST. CATHARINES JOURNAL, 15 July 1841 copied from BRITISH COLONIST, 7 July 1841 ; WESTERN HERALD, 21 July 1841.
7. ST. CATHARINES JOURNAL, 15 July 1841, copied from BRITISH COLONIST, 7 July 1841.
8. MONTREAL GAZETTE, 9 July 1841.
9. WESTERN HERALD, 21 July 1841.
10. ST. CATHARINES JOURNAL, 15 July 1841, copied from BRITISH COLONIST, 7 July 1841.
11. IBID.
12. WESTERN HERALD, 21 July 1841.
13. MONTREAL GAZETTE, 9 July 1841.
14. IBID.
15. IBID.
16. "It seems by that, by the statute of Lower Canada, the student at law who has not had the advantage of a collegiate education, is compelled to go through a clerkship of five years before he can be admitted to practice. The object of the relief bill is to reduce the period of clerkship, in Mr. Talliades' favor, from five years to four. — It met with no opposition." WESTERN HERALD, 21 July 1841. See also MONTREAL GAZETTE, 6 July 1841.
17. ST. CATHARINES JOURNAL, 15 July 1841, copied from BRITISH COLONIST, 7 July 1841.
18. IBID.
19. IBID.
20. The debate on this bill was reported in : WESTERN HERALD, 21 July 1841 ; BRITISH COLONIST, 7 July 1841 ; MONTREAL GAZETTE, 6 July 1841. "The debate lasted three hours...." according to WESTERN HERALD, 12 July 1841.
21. BRITISH COLONIST, 7 July 1841.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. WESTERN HERALD, 21 July 1841.
32. ST. CATHARINES JOURNAL, 15 July 1841, copied from BRITISH COLONIST, 7 July 1841.
33. MONTREAL GAZETTE, 9 July 1841.
34. MONTREAL GAZETTE, 6 July 1841.
35. MONTREAL GAZETTE, 9 July 1841.
36. IBID.
37. IBID.
38. ST. CATHARINES JOURNAL, 15 July 1841, copied from BRITISH COLONIST, 7 July 1841. See also MONTREAL GAZETTE, 6 July 1841.



Monday, 5 July 1841.

Proceedings on  
Huron County  
Election trial.

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The hour appointed for taking into consideration the petition of *William Dunlop*, of *Gairbraid*, in the county of *Huron*, Esquire, complaining of the undue Election and Return of *James McGill Strachan*, Esquire, as a Member to represent the County of *Huron*, in this present Parliament, being come,

The House proceed to the appointment of a select committee to try and determine the merits of said petition.

The Sergeant-at-Arms was directed by Mr. Speaker to go with the Mace to the places adjacent and require the attendance of the Members on the business of the House,

And he went accordingly.

And being returned, the House was called, and more than thirty members being present,

Mr. Speaker called upon the Petitioner, his Counsel, or Agent, to appear at the Bar.

*Luke Brough*, Esquire, appeared at the Bar, as Counsel for the petitioner.

Mr. Speaker called upon the sitting Member, his Counsel or Agent, to appear at the Bar.

Mr. *Strachan*, sitting Member for the said County of *Huron*, appeared at the Bar in his own behalf.

Mr. *Luke Brough*, Counsel for the petitioner, presented a List of Witnesses in the case of *William Dunlop*, which was read by the Clerk, as follows : —

List of Witnesses on  
behalf of Petitioner.

NAMES.	RESIDENCE.	PAPERS & RECORDS.
<i>Thomas Mercer Jones, Esq.</i>	<div>Commissioners of the Canada Compy.</div>	With the following Papers & Records : 1st. Rough Cash Book, 2nd. Deed Books kept at Toronto & Goderich, since 1st. Jan. 1840. 3rd. Lot account Books in which the different payments, when received, are posted, since the first settlement of the Huron Tract, together with all memoranda and acknowledgments of receipt of Deeds by parties from the Canada Co., whether the same be entered in the Books or otherwise.
<i>Frederick Widder, Esq.</i>		
<i>Donald McDonald, Gen.</i>	<div>Officers and Clks. of the Canada Compy.</div>	
<i>Thomas Collier</i>		
<i>William Robertson, Esq.</i>		
<i>W. Bennett Rich,</i>		
<i>Charles Widder, Gentleman</i>		
<i>Edward Lefroy Cull,</i>		
<i>J. McAlpine Cameron,</i>	Stratford, County of Huron.	
<i>Alexander McDonald,</i>		
<i>Henry Hyndman, Esq.,</i>	Returning officer at the late election, Godrich.	
<i>T. Douglas Harrington, Es.</i>		
<i>Thomas Amiot, Esquire,</i>	Clerk of the Crown in Chancery, Kingston.	With the Poll Book kept at the last election of the County of Huron.

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List of Witnesses on  
behalf of Petitioner.

NAMES.	RESIDENCE.	PAPERS & RECORDS.
<i>Thomas Galt, Genteman,</i>	Toronto.	
<i>Matthew Black, Yeoman,</i>	Goderich.	

NAMES.	RESIDENCE.	PAPERS & RECORDS.
Elias Lomas, Yeoman,	Goderich.	
Thomas Harris, "	"	
Patrick Gallagher, "	"	
James Woodley, "	"	
Edward Griffin, Gen.,	Agent of the Baron De Tuyll, Goderich.	With all Books, Papers, & Receipts, relative to the sales of Town Lots in Bayfield village.
William Shaw, Laborer,	Goderich.	
R. Beacom, Sr. Carpenter,	"	With Title Deeds to part of Lot 213, Town of Goderich.
Mrs. Catherine Papst, wife of Richard Papst, Inn-keeper,	Goderich.	With the Family Bible of Valentine Fisher, her father.
William Hicks, Inn-keeper,	Goderich.	
Mary Hicks, his wife,	"	
Thomas Michael, Laborer,	Colborne.	
Hugh Grieve,	Goderich.	
J. Murray, Senr. Yeoman,	Hay.	
John Clark, "	Lake shore, Goderich.	
William Cline, "	South Easthope.	
J. C. W. Daly, Esq.	Stratford, Co. of Huron,	With Title Deeds of Lot 13 in 10th Con., Goderich.
Joseph Young, Yeoman,	Goderich.	
James Young, "	Colborne.	
D. Smith, " Dep. Surveyor,	Goderich.	
B. Pearsons, Jr., Merchant,	"	
John Daly, Yeoman,	"	
John McKenzie, Shoemaker,	"	
Seneca Ketchum, Gent.	Mono.	
William Steward,	Goderich,	With Deed of Assignment by Morgan Hamilton to Trustees for his creditors.
Robert Miller, Yeoman,	"	
Michael Duggan, Senr. "	"	
James Hodgins, 1st., "	Biddulph.	
Elias Disney, "	Goderich.	
James McMahon, "	"	
Boyer Paul, "	Biddulph.	
J. Galt, Esq. Register of the County of Huron,	Goderich.	
Israel Lewis, Yeoman,	Biddulph.	
George Carter, " Town Ck.	"	
W. Adamson, "	M'Gillivray,	
Charles Stack, Labourer,	Goderich.	
Poll Clerk,	"	
William Sweet,	Stephen,	With Title Deeds to lot 19 in 1st Con. of Stephen.
Edward Tegart,	"	" " to lot 22 " "
James Clegg,	Town of Goderich,	" " 167 in town of Goderich.
Patrick Glavin,	Biddulph,	" " 9 in 1st c. of Biddulph.
William Alingham,	Goderich,	" " 10 in 3rd c. Goderich.
John Cook,	"	" " 30 in 9th " "
William Hicks, Jun.,	"	" " 84 in Huron Road c. "
Morgan J. Hamilton,	"	" " 11 in town of Goderich.
Joseph Williamson,	South Easthope,	" " 6 in 1st. con. South Easthope.
James Whiteford,	Stanley,	" " 6 in 1st con. Stanley.
John Cronyn,	"	" " Lot in Main St. in Bayfield.
William Lewis,	M'Gillivray.	" " Lot 15 in 1st c. McGillivray.
Patrick Cowley,	Biddulph,	" " 10 in 1st. c. Biddulph.
John Phelan, Junior,	North Easthope,	" " 45 in 2nd con. North Easthope.
Joseph Quick,	Usborne,	" " 6 in 1st con. Usborne.
William Cantelon,	Goderich,	" " 27 in 10th " Goderich.
James Scallion,	"	" " 2 in 13 " "
William Elliott,	"	" " 15 in 4 " "

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List of Witnesses on behalf of Petitioner.

James Cline,	South Easthope,	Lot. No.	5 in 2 Con.	South Easthope.
Peter Cantelon,	Goderich,	" "	26 in 11	" Goderich.
John Finlay,	"	" "	13 in 5	" "
Robert Elliott,	"	" "	32 in 8	" "
John Dennis,	"	" "	21 in 7	" "
David Cantelon,	"	" "	32 in 10	" "
William Holmes,	"	" "	23 in 9	" "
James Aitkin,	Biddulph,	" "	14 in 1	" Biddulph.
Christopher Lindsay,	Goderich,	" "	24 in 3	" Goderich.
John Hillock,	"	" "	19 in 5	" "
Joseph Sparling,	"	" "	26 in 10	" "

NAMES.	RESIDENCE.	PAPERS & RECORDS.			
Andrew Rutledge,	Goderich,	Lot. No.	30 in	8 Con.	Goderich.
Barnard Darwin,	"	"	9 in	5 "	"
Andrew McConnell,	Usborne,	"	20 in	1 "	Usborne.
George McConnell,	Goderich,	"	23 in	1 "	Stephen.
Adam Hodgins,	Biddulph,	"	33 in	2 "	Biddulph.
Thomas Whitley,	Goderich,	"	16 in	6 "	Goderich.
William McMahon,	London,	"	97 in	Maitland Road	"
Thomas Atkinson,	Biddulph,	"	30 in	3 con.	Biddulph.
Alexander McCall,	"	"	2 in	2 "	"
John Hodgins,	M'Gillivray,	"	15 in	1 "	McGillivray.
Joseph Dobson,	Biddulph,	"	12 in	5 "	Biddulph.
Thomas Abbott,	"	"	20 in	4 "	"
Francis Alexander,	"	"	11 in	5 "	"
James Spratt,	Goderich,	"	220 in	village of Bayfield.	
Thomas Simpson,	M'Gillivray,	"	12 in	2nd c.	McGillivray.
James O'Neil,	"	"	15 in	2 "	"
James Glennie,	Stanley,	"	133 in	village of Bayfield.	
Joseph Holmes,	Goderich,	"	22 in	9 con.	Goderich.
Richard Darlington,	Colborne,	"	3 in	7 "	Colborne.
					E. Dt.
Thomas Elliott, Jr.,	Goderich,	"	22 in	3 "	Goderich.
George Elliott, Jr.,	"	"	21 in	4 "	"
Michael Duggan, Jr.,	"	"	part of Lot	9 in	Maitland,
				con. do.	
Edward Duggan,	"	"	"	"	"
Adam Hodgins, Jr.,	Biddulph,	"	Lot 36 in	2nd c.	Biddulph.
John Hodgins,	"	"	34 in	"	"
William Atkinson,	"	"	14 in	"	"
James Whiteford,	Tucker Smith Lr. Road,	"	21 in	1st con.	Tuckersmith,
					L. R.
The Hon. Samuel B. Harrison,	Provincial Secretary.	With duplicate Register of Oaths of Allegiance taken under 9th Geo. 4th. chap. 21, and subsequent Acts containing the same.			

Mr. Strachan handed in a List of the Witnesses required in behalf of himself as the sitting Member for the County of *Huron*, which was also read by the Clerk, as follows : —

NAMES.	RESIDENCE.	NAMES.	RESIDENCE.
Dun. M'Gregor Lambert.	Goderich,	Thomas Walker,	Hullett.
Andrew Seback,	Ellis,	Hugh M'Collum,	Williams.
Alexander M'Kenzie,	Tucker Smith,	Hugh Frazer,	do.
Daniel Allan,	North Easthope,	Alexander Anderson,	do.
John Sherman,	Strafford,	Alexander Campbell,	do.
Robert Lesslie,	Williams,	Duncan M'Farlane,	do.
Andrew Frazer,	Downie,	Neil Ross,	Tucker Smith.
Samuel Fisher,	Colborne.	John M'Intyre,	Williams.
Edward M'Donald,	Stanley.	James M'Pherson,	do.
Daniel Hood Ritchie,	do.	Duncan M'Farlane,	do.
William McIntosh,	Williams.	Peter Currie,	do.
David Cluniss,	do.	Edward J. Ledyard,	Tucker Smith.
Donald Campbell,	do.	Robert Patterson,	Hay.
Duncan Campbell,	do.	James Murray, Senior,	do.
Alexander Young, Jun.,	Colborne.	John M'Intosh,	Williams.
William Mure,	Williams,	Alexander M'Donald,	do.

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List of Witnesses on behalf of sitting member.	Alexander Frazer,	Williams.	James Stonehouse,	Colborne.
	Donald Henderson,	do.	John Bannerman,	do.
	Castor Willis,	Hay.	William Stafford,	Hullett.
	John M'Intosh,	North Easthope.	Robert Leiper,	do.
	James Ross,	Williams.	James N. Edwards,	Goderich.
	John Henderson,	do.	Edward Van Egmond,	M'Killop.
	Richard Papst,	Goderich.	John Wilson,	Goderich.
	Joseph Fisher,	Colborne.	William Gording,	do.
	William M'Naughton,	Stanley.	George Laithwaite,	do.
	George Dober,	Goderich.	John Galt,	do.
	George Mathieson,	Bayfield.	Edward Gording,	do.
	Peter Melville,	Williams.	Jaspar R. Gording,	do.
	Donald Frazer,	do.	George Gording,	do.
	Michael Fisher,	Colborne.	Joseph Rattenburgh,	do.
	Peter M'Dougall,	Goderich.	David Hay,	do.
	Henry Rancford,	do.	Henry Horton,	do.
	William Chalk,	M'Killop.	Thomas Frazer,	Williams.
	William Wallace,	Goderich.	Valentine Fisher,	Goderich.
	Adolphus J. Morgan,	do.	John M'Phee,	Colborne.
	Angus M'Kay,	do.	Thomas Kydd,	Goderich.



NAMES.	RESIDENCE.	NAMES.	RESIDENCE.
Robert Park,	Goderich.	William J. Gording,	Goderich.
Chas. E. Millar,	do.	France Demara,	do.
Dugald Mure,	Williams.	John Wilson, 3rd,	do.
Hugh Rose,	do.	Theodore Reed,	do.
Archibald Dickson,	M'Killop.	Benjamin Parsons,	do.
Jonathan Carter,	Tucker Smith.	John M'Lean,	Tucker Smith.
Thomas Carter,	do.	John M'Lachlane,	Williams.
William Elder, Jun.,	Usborne.	Alexander Crerar,	N. Easthope.
Joseph Rye, Jun.,	Goderich.	Thomas B. Woodruff,	Goderich.
Abraham D. Naftel,	do.	Robert Gibbons,	do.
John M'Intosh,	Tucker Smith.	Cyrus M'Millan,	do.
William Elder, Jun.,	Hay.	Nathaniel Lawrison,	do.
John Robinson,	Goderich.	John Dawsy,	do.
James Murray, Jun.,	Tucker Smith.	John Stewart, Senr.,	N. Easthope.
John Blaik,	Goderich.	George Sterling,	Goderich and Bayfield.
James Woodley,	do.	James Gentles,	do.
Martin M'Lellan,	do.	John Lebering,	Ellis.
James Lees,	do.	Joseph Wilson,	Goderich.
Joseph C. Reed,	do.	William Reid,	do.
John M'Intosh,	do.	Walter Sharpe,	do.
Andrew Helmer,	N. Easthope.	Donald Gillis,	Williams.
John Critch,	Tucker Smith.	Jonas W. Garrison,	London.
Thomas Lamb,	Usborne.	Dennis O'Brien,	do.
Robert Nelson,	Goderich.	William Edwards,	Goderich.
William Jeffrey,	do.	Isaac Rottenburg,	Goderich.
James Clonting,	Colborne and Bayfield.	George Worseley,	Tucker Smith.
John Whitney,	N. Easthope.	Daniel Lizzars,	Goderich.
Menno Eby,	Colborne.	Richard Young, Senr.	do.
William Reanie,	South Easthope.	Henry Hyndman,	do.
William Piper,	Goderich.	Thos. M. Jones,	do.
Murdock Gordon,	do.	Thos. Galt,	Toronto.
Robert Young,	Colborne.	John Longworth,	Goderich.
Antoine Contant,	Goderich.	James Eltiot,	do.
Harvey Brace,	Colborne.	Jn. Wilson, Esq. Barrister,	London.
Lewis Bellamore,	Goderich.	Thos. Loghlin,	M'Gillivray.
Henry Haacke,	Bayfield.	Alex. Taylor,	Goderich.
David Lawson,	Colborne.	Christopher Johnson,	Stanley.
George Wilson,	Goderich.	Wm. Douglass,	Williams.
William Young,	do.	Wm. Clyne,	S. Easthope.
Thomas Elliott,	do.	Rob't Rolls,	Goderich.
Joseph Lawrison,	do.	Andrew M'Kee,	do.
Joseph Rye, Jun.,	do.	John Clark,	do.
Edward Mulcator,	do.	Williams Rutlage,	do.
John M'Leod,	do.	John Clegge,	do.
William Bisit,	Colborne.	John Wallace,	Hullet.
Peter Fisher,	do.	Richd. Handfred,	Stephen.
Michael Fisher, Junr.	do.	Wm. Cleary,	Goderich.
Walter Lawson,	do.	Wm. W. Street,	London.

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John Roughridge,	Goderich.	Frederick Widder, Esq.	Toronto.
Charles Widder,	do.	James Ritchie,	Hamilton.
Eduard Griffin,	do.	George Boomer,	Toronto.
Lieut. Mein,	1st. Royals,	Morgan Hamilton,	Goderich.
Lieut. Marriott, R.A.	England.	William Bennet Rich.	do.
The Baron De Tuyll,	London.	Colin Ross,	do.
Eduard Lefroy Cull,	Goderich.	The Hon. W. H. Draper,	Toronto.
	Toronto.		

Doors locked.

Order of day read.

Speaker's attestation.

Mr. Speaker then desired the Sergeant-at-Arms to lock the doors.

And the doors being locked accordingly, and the order of the day for taking the said Petition into consideration being read, the attestation of the Speaker was taken from off the box, in which, agreeably to the Statute, the names of all the members of the House were sealed up, and the same was read by the Clerk, as follows : —

"I attest that this Box was, on the *third* day of *July*, 1841, made up in my presence, in the manner directed by an Act passed in the *fourth* year of the reign of His late Majesty King *George the Fourth*, entitled, '*An Act to repeal an Act passed in the forty-fifth year of His late Majesty's reign*, entitled, '*An Act to regulate the trial of controverted Elections or Returns of Members to serve in the House of Assembly*' "*and to make more effectual provision for such trials.*"

AUSTIN CUVILLIER,  
Speaker.

The box was then opened, and the attestation of the Clerk was taken out of the box and read by him, as follows : —

Clerk's attestation.

"I attest that I did, on *Saturday*, the *third* day of *July*, 1841, in presence of the Speaker of this House, put into a box in which this attestation is found, the names of all the members composing the present Legislative Assembly, written upon slips of parchment, and rolled up, as directed by an Act passed in the *fourth* year of the Reign of His late Majesty, King *George the Fourth*, intituled "*An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign*, entitled, '*An Act to regulate the trial of Controverted Elections, or Returns of Members to serve in the House of Assembly*,' and to make more effectual provision for such trials."

W. B. LINDSAY,  
Clerk of Assembly.

The names of all the members were taken out of the box, and put into three other boxes.

Drawing of names  
proceeded in.

The drawing of the names was then proceeded in, in the usual manner, and the following names were drawn, to which no objection was taken : —

Names drawn from  
which to strike  
a select committee.

1 Steele,	9 Thompson,	17 Williams,
2 Quesnel,	10 Holmes,	18 Morris,
3 Neilson,	11 Barthe,	19 Merritt,
4 Robertson,	12 Hale,	20 Thorburn,
5 Durand,	13 Powell,	21 Moore,
6 Christie,	14 Price,	22 Parent,
7 Burnet,	15 Raymond,	23 Chesley.
8 Johnston,	16 Ruel,	

In the course of the drawing Mr. *Prince's* name was taken out and set aside, being chosen nominee for the petitioner, and the name of Mr. *Sherwood* was likewise drawn and set aside, being chosen nominee for the sitting member.

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State of the House on  
drawing the names.

Twenty seven other names were drawn and set aside or excused, as follows : —

Sixteen against whom Petitions were pending.

Ten serving on Election Committees.

One being upwards of sixty years of age.

Thirteen names were also drawn of members who were absent.<sup>1</sup>

Mr. *Hamilton* said there were certain formalities which must be complied with, one of which was, that before any petition against the return of a member could be acted upon, recognizances must be entered into by the parties complaining, for the payment of all costs attending the trial. The Statute was plain and positive upon this point, and no two constructions could be put upon it. There was another thing pointed out by the statute, which was that no member petitioned against could be a member of a committee for the trial of a controverted election. He did not think, however, that the objection could apply to those who were petitioned against upon slight and insufficient grounds. The hon. member for Chambly, who had been nominated, he believed was fully competent to make one of the committee.<sup>2</sup>

Mr. *Small* pointed out the words of the statute which declared that no person petitioned against shall serve upon a committee for the trial of any controverted election. The speaker of that hon. house had decided the other day that no person so situated could serve upon a committee of that description, and the only mode by which the hon. gentleman could test the question would be by appealing to the house from that decision.<sup>3</sup>

Mr. *Johnston* desired to know whether it was by the statute of Upper or Lower Canada that that provision was enacted.<sup>4</sup>

The Speaker ((Mr. Cuvillier)) stated that he had founded his decision upon the Upper Canada Statute. As long as a petition was depending against any hon. member that member was incompetent to serve upon a committee.<sup>8</sup>

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On motion of Mr. Prince, seconded by Mr. Hamilton.

Commission appointed.

*Resolved*—That this House do nominate and appoint, under the hand and seal of the Honorable the Speaker, three Commissioners, for the purpose of examining the witnesses of the parties in the matter of the controverted election for the County of *Huron*, and that *John H. Haggerty*, *Adam Johnston Ferguson*, and *George Boomer*, be such Commissioners, — who shall be authorized and empowered to hold their several sittings at *Goderich*, *Stratford*, *Balkwell's Tavern*, *Hodgin's Tavern*, all in the County of *Huron*, aforesaid, — and at the City of *Toronto*, and at the Town of *London*, or at any or either of those places, or at any other place or places, and at such time and times as they, the above named Commissioners, shall deem fit and proper.

On motion of Mr. Prince, seconded by Mr. Hamilton,

Speaker to furnish parties with writs of summons.

*Resolved*—That the Speaker do furnish the parties concerned in the County of *Huron* controverted election, with Writs of Summons, under his hand and seal, for the parties, and also for the production of records, deeds, and papers, by such witnesses.

Parties retired.

At fourteen minutes before four of the clock, P. M., the parties, with Mr. *Alfred Todd*, Clerk to the Select Committee, retired for the purpose of striking said Committee.

Speaker reports Bank returns.

Mr. Speaker laid before the House a general statement of the affairs of the "City Bank" of *Montreal*.

Also, a statement of the affairs of the Bank of British *North America*, *Quebec*, received in conformity to an order of this House of the 25th of *June* last.

For the said Statements, see Appendix (C.)

Speaker lays before the House Statement of affairs of Champlain & St. Lawrence Rail Road.

The Speaker also laid before the House a Statement of the affairs of the "Champlain and St. Lawrence Rail Road," required by the 49 section of the Act 2d, WILLIAM IV., cap. 28, of the late Province of *Lower Canada*.

For the said Statement, see Appendix (E.)

At four o'clock, P. M., the Clerk to the Select Committee, delivered to the Clerk of the House, a List containing the names of the nine members, unstruck, comprising the Select Committee, which is as follows :—

Select committee to try the election for county of Huron.

The names of the members remaining in the List to try the merits of the Petition of *William Dunlop*, Esquire, complaining of the undue return of *James McGill Strachan*, Esquire, to serve as the representative for the County of *Huron*, in the present Parliament :

- |               |            |
|---------------|------------|
| 1 Steele,     | 6 Holmes,  |
| 2 Neilson,    | 7 Raymond, |
| 3. Robertson, | 8 Morris,  |
| 4 Christie,   | 9 Moore.   |
| 5 Burnet,     |            |

Mr. Prince, nominee for Petitioner,

Mr. Sherwood, nominee for sitting member.

ALFRED TODD,  
Clerk to Committee.

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Committee sworn.

The said nine members, and the nominees, were then, severally, sworn at the Table, by the Clerk, in the usual manner.

Committee to meet at 11 o'clock A.M. tomorrow.

On motion of Mr. Prince, seconded by Mr. Hamilton,

*Ordered*—That the Committee appointed to try the Petition of *William Dunlop*, of *Gairbraid*, in the County of *Huron*, Esquire, complaining of the undue Election and Return of *James McGill Strachan*,



Esquire, do meet in a Committee Room of this House on *to-morrow*, at *eleven o'clock*, A. M.

Petitions brought up

Of G. W. Blanchard and others.  
R. McKenzie and others.

F. Lussier, & others.

Corporation of Quebec.  
David Secord.

James Oswald.  
Thomas Oswald.

Wixon Hainey.  
J. E. Mignault and others.

J. S. Lafontaine and others.

Theophilie Lemay and others.

Richard Collier.

C. Wetherald and others.

Natural History Society of Montreal.

Rev. John Torrance & others.

Malcolm Fraser & others.

Rev. William Brethour and others.

Clergy &c. of Melbourne.

John McDonald and others.

S. Garnsay and others.

Jas. Covernton and others.

Ed. Ellice and others.

A. Archambault and others.

David Jones & others.

The following Petitions were severally brought up, and laid on the table :

By Mr. Robertson, the Petition of *G. W. Blanchard*, and others, proprietors and inhabitants of the County of the *Lake of Two Mountains* — and the Petition of *R. McKenzie*, and others, proprietors and inhabitants of the County of *Terrebonne*, in the District of *Montreal*.

By the Honourable Mr. *Viger*, the Petition of *Felix Lussier*, Esquire, and others, proprietors and inhabitants of the County of *Vercheres*.

By Mr. *Neilson*, the Petition of the Corporation of the City of *Quebec*.

By Mr. *Thorburn*, the Petition of *David Secord*, of *Saint Davids*, District of *Niagara*. — The Petition of *James Oswald*, of the Township of *Stamford*, County *Lincoln*. — The Petition of *Thomas Oswald*, of the Township of *Stamford*, County of *Lincoln* — and the Petition of *Wixon Hainey*, of *Saint David's*, County of *Lincoln*.

By the Honourable Mr. *Viger*, the Petition of *J. E. Mignault*, and others, proprietors and inhabitants of the County of *Richelieu*.

By Mr. *Armstrong*, the Petition of *Isidore S. Lafontaine*, and others, proprietors and inhabitants of the county of *Berthier*.

By Mr. *De Salaberry*, the Petition of *Theophilie Lemay*, and others, proprietors and inhabitants of the County of *Rouville*.

By Mr. *Merritt*, the Petition of *Richard Collier*, of the *Niagara* District.

By Mr. *De Lisle*, the Petition of *C. Wetherald*, and others, inhabitants of the County of *Huntingdon*.

By Mr. *Holmes*, the Petition of the Natural History Society of *Montreal*.

By Mr. *Cartwright*, the Petition of the Reverend *John Torrance*, and others, members of the Church of *England* of *Maseauche*, and other places.

By Mr. *Burnet*, the Petition of *Malcomb Fraser*, and others, protestant inhabitants of *River du Loup*, District of *Quebec*.

The Petition of the Reverend *William Brethour*, and others, members of the Church of *England*, of the County of *Beauharnois*, and the Petition of the Clergy and Members of the Church of *England*, in *Melbourne*, and other places.

By Mr. *Morris*, the Petition of *John McDonald*, and others, inhabitants of the Townships of *Leeds* and *Lansdowne*.

By Mr. *Powell*, the Petition of *Samuel Garnsey*, and others, inhabitants of the Township of *Bayham*.

The Petition of *James Merse*, and others, inhabitants of the Township of *Walpole* — and the Petition of *James Covernton*, and others, Magistrates and inhabitants of the District of *Talbot*.

By Mr. *Dunscombe*, the Petition of *Edward Ellice*, and others, inhabitants of *Beauharnois*, in the County of *Beauharnois*.

By Mr. *Boutillier*, the Petition of *A. Archambault*, and others, proprietors and inhabitants of the County of *St. Hyacinthe*.

By Mr. *Cartwright*, the Petition of *David Jones*, and others, Magistrates and freeholders of the *Eastern* and *Ottawa* Districts.

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A. Dingwall Fordyce and others.

2nd do.

Alex. Young and others.

Turner's relief bill read 3rd time.

By Sir *Allan McNab*, the Petition of *A. Dingwall Fordyce*, and others, Magistrates and Freeholders in the District of *Wellington*.

By Mr. *Durand*, the Petition of *A. Dingwall Fordyce*, and others, Magistrates and Freeholders of the District of *Wellington*.

By Mr. *De Salaberry*, the Petition of *Alexander Young*, and others, censitaires of the Seignories of *Noyan* and *Foucault*.

An engrossed Bill to permit *Robert John Turner* to Practice as Solicitor in the Court of Chancery, was read for the third time.

Mr. Prince moved, seconded by Mr. Johnston, that the Bill do pass, and that the title be "*An Act to permit Mr. Robert John Turner to practice as Solicitor in the Court of Chancery.*"

Motion for amending said Bill.

Sir Allan McNab moved in amendment, seconded by Mr. Cartwright, that the Bill do not now pass, but that it be amended by striking out the following words in the Preamble : —

"*And was of essential service, from his acquaintance with the practice and proceedings of the High Court of Chancery in England, in facilitating the business of the Court of Chancery in this Province, on its first establishment.*"<sup>6</sup>

This revived the skirmish of the preceding Thursday. In that discussion, the tone of the parties so unequivocally expressed their motives, in taking opposite courses upon the question, that a repetition is unnecessary....<sup>7</sup>

Sir Allan ((MacNab)) was as bitter as ever, in his attempts to obstruct the bill which Col. Prince defended.... Sir Allan ... ((proposed)) ... as an amendment to strike out certain words in the preamble, indicative of the estimation in which the services of Mr. Turner were held ; and cynically alluding to the importance given to them by Col. P....<sup>8</sup>

The gallant knight ((Colonel Prince)) unfortunately drew upon himself a sarcastic retort that evidently galled him very much — "Let the words proposed to be struck out by the member for Hamilton be expunged" (said the gallant Col.) I beg my hon. friend's pardon. I really was in ignorance that his knowledge and practise in Chancery were so extensive, and profound, or I should certainly not for a moment have ventured to insert in the preamble of the bill, words that could have alarmed the jealousy of one so vastly pre-eminent in the profession, and so universally known as an authority of the highest order.<sup>9</sup>

Mr. Aylwin((’s)) ... objections, as on a former occasion, were based upon principle.<sup>10</sup>

Mr. Johnston was rather sharp both with Sir Allan and Mr. Cartwright.<sup>11</sup>

Mr. Price also showed that the absence of the latter gentleman on the occasion of Mr. Turner's merits being discussed, was his own fault.<sup>12</sup>

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The question having been put upon the said motion of amendment, the House divided thereon, and the names being called for, they were taken down as followeth : —

#### YEAS.

Burnet,	Day, Hon. C. D.	Ogden, Hon. C.R.	Strachan,
Cartwright,	Hale,	Smith, (Fron.)	Thompson,
Chesley,	Hamilton,	Smith, (Went.)	Viger, Hon. D.B.
Child,	McNab, Sir A. N.	Sherwood,	Williams. — 17.
Crane,			

#### NOES.

Armstrong,	Dunscomb,	Morris,	Robertson,
Berthelot,	Durand,	Neilson,	Ruel,
Boutillier,	Foster,	Noel,	Simpson,
Buchanan,	Harrison, Hon. B.	Parent,	Steele,
Christie,	Holmes,	Powell,	Taché,
Daly, Hon. D.	Johnston,	Price,	Taschereau,
Delisle,	Killaly, Hon. H.H.	Prince,	Thorburn,
Derbishire,	McDonald, (Pres.)	Quesnel,	Turcotte,
De Salaberry,	Moore,	Raymond,	Yule. — 37.
Dunn, Hon. J.H.			

So it passed in the negative.

Mr. Cartwright then moved, in amendment to the main motion, seconded by Mr. Strachan, that the Bill do not now pass, but that it pass this day six months.

The question having been put upon the said motion, a discussion ensued, and it passed in the negative.

The question being then put on the main motion, it was agreed to unanimously, and

*Resolved*, accordingly.

*Ordered* — That Mr. *Prince* do carry the said Bill to the Legislative Council, and desire their concurrence.

Pursuant to the order of the day, the following Petitions were read : —

Of *Loup Odell*, and others, of the County of *Acadie*, praying for an indemnity for losses sustained during the late Rebellion.

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Of *Jean Louis Caron*, of *Chateauguay*, praying for an indemnity for losses sustained during the late Rebellion.

Of *A. M. Farewell*, *Abram Butterfield*, and others, of the Townships of *Whitby* and *Darlington*, praying to be incorporated under the name of "Hall's East Whitby Marsh Harbour Company."

Of *Julia Bell*, wife of *Aeneas Bell*, praying for a remuneration for services as Housekeeper to the late House of Assembly of *Upper Canada*.

Of *William Clarke*, and others, of the Township of *Markham*, praying for aid to open a road between the 6 and 7 ranges of said Townships.

Of *David Elder*, of *Toronto*, praying to be remunerated for the loss of a horse while employed in Her Majesty's Service.

Of the Trustees of the Academy of *Sherbrooke*, in the District of *St. Francis*, praying for a grant of money to enable them to maintain their Academy, and to obtain a set of Philosophical Apparatus, and a Library for the use of the pupils.

Of the President, Directors and Stockholders of the City Bank, of the City of *Montreal*, praying for an extension of capital, and a renewal of Charter.

Of *William Henry Kilborn*, of the Town of *Kingston*, and others, praying for a Loan to protect them in their duty, as land Surveyors, and for other purposes.

Of *Richard M. Boyle*, and others, praying for a remuneration for expenses incurred by them, as contractors on the *Queenston* and *Grimsby* macadamized road.

Of *Rebecca McIntee*, widow of *Barnabas McIntee*, formerly of the first Regiment of *Lincoln Militia*, praying for a pension.

Of *H. Troup*, and others, of the Townships of *Asphodel* and *Dummer*, praying for an aid to open a road from the Township of *Dummer* to the River *Trent*.

Of *Moses Hart*, and others, of the town of *Three Rivers*, praying for an Act of incorporation for a Bank in the said town.

Of the Trustees of the College of *L'Assomption* praying for an aid to complete the said college, and for an act of incorporation of the same.

Of *Jacob Glen*, and others, Proprietors of Land and Building Lots, on the Basin of *Chambly*, complaining of the decision of the Trustees, appointed under the ordinance regulating the communication between *Montreal* and *Chambly*, respecting the road between the little river of *Montreal*, and the residence of *Reni Boileau*, Esq., and praying that the said decision be reversed.

Of *Jean Baptiste René Hertel De Rouville*, Seigneur of *Rouville*, in the District of *Montreal*, praying for a remuneration for expenses and losses by him incurred during the late Rebellion.

Of *Samuel Andres*, and *Stephen R. Andres* of *Chambly*, praying for a remuneration for losses sustained during the late Rebellion.

Of the Rev. *William Bell*, of *Perth*, praying for an amendment to the *Tay Navigation Act*, in order to maintain his claim for damage against the *Tay Navigation Company*.

Turner's relief Bill passed.

Bill sent to Legislative Council.

Petitions read.

Of Loop Odell.

J. L. Caron.

A. M. Farewell & others.

Julia Bell.

William Clarke and others.

David Elder.

Trustees of Sherbrooke Academy.

President & Directors and Stockholders of City Bank, Montreal.

W. H. Kilborn and others.

R. M. Boyle & others.

Rebecca McIntee, (widow).

H. Troup & others.

Moses Hart & others.

Trustees of College of L'Assomption.

Jacob Glen & others.

J. B. R. H. De Rouville.

Samuel Andres and Stephen R. Andres.

Rev. Wm. Bell.



J. W. Woolsey  
and others.

Of *John William Woolsey*, and others, of the City of *Quebec*, complaining of the disfranchisement of the largest portion of the Electors of the said City of *Quebec*, and praying relief.

Edward G. O'Brien  
and others.

Of *Edward G. O'Brien*, and others, Justices of the Peace for the county of *Simcoe*, praying to be authorized to raise a further sum of £2000, to complete the Gaol and Court House, in that county.

Alexander Reid  
and others.

Of *Alexander Reid*, and others, forming the temporary committee for making a Rail Road from *Sherbrooke* to the *Richelieu*, praying for an aid to cause the necessary surveys and estimates of the routes and expenses of the proposed Rail Road to be made, and also for a repeal

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of so much of the Ordinance as makes it binding on the Stockholders to begin the work at *Sherbrooke* and continue it uninterruptedly towards the River *Richelieu*.

Petition of Jacob Glen  
and others, referred  
to select committee.

*Resolved* — That the Petition of *Jacob Glen*, and others, proprietors of lands and building lots, on the Basin of *Chambly*, be referred to a committee of *three* members to examine the contents thereof, and to report thereon with all convenient speed, by bill or otherwise; with power to send for persons, papers and records.

*Ordered* — That the Honourable Mr. *Viger*, the Honourable Mr. *Killaly* and Mr. *De Salaberry*, do compose the said committee.

Petition of Simon  
McKenzie, Thomas  
Chapman & others,  
referred to select  
committee.

*Resolved* — That the Petition of *Simon M'Kenzie*, *Thomas Chapman*, and others, of the district of *Gore*, presented to the House on the 22nd day of *June* last, be referred to a committee of three members to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

*Ordered* — That Mr. *Durand*, Mr. *Daly*, and Mr. *Johnston*, do compose the said committee.

Petition from Board  
of Trade of Montreal  
referred to committee  
on currency.

*Ordered* — That the Petition of the Board of Trade of *Montreal*, respecting the currency, be referred to the committee appointed to enquire and report to this House such measures as will most readily equalize the rates of exchange and assimilate the currency throughout this Province.

*Ordered* — That the said committee have power to report, from time to time.

Petition of Natural  
History Society of  
Montreal referred to  
select committee.

*Resolved* — That the Petition of the Natural History Society, of *Montreal*, be referred to a committee of *five* members to examine the contents thereof, and to report thereon, with all convenient speed, by bill, or otherwise; with power to send for persons, papers, and records.

*Ordered* — That Mr. *Holmes*, Mr. *Neilson*, Mr. *Quesnel*, Mr. *Merritt*, and the Honourable Mr. *Killaly*, do compose the said committee.

Part of Petition from  
divers Inhabitants of  
Saguenay, referred to  
a select committee.

*Resolved* — That part of the petition of divers Inhabitants of the county of *Saguenay*, relating to winter vehicles, be referred to a Committee of *five* members, to examine the contents thereof, and to report thereon, with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

*Ordered* — That Mr. *Parent*, Mr. *Taché*, Mr. *Watts*, Mr. *Tasche-reau*, and Mr. *Noel*, do compose the said Committee.

Petition of John W.  
Woolsey and others,  
referred to select  
committee.

*Resolved* — That the petition of *John William Woolsey*, and others, of the City of *Quebec*, presented to the House on the 2nd instant, be referred to a Committee of *five* members, to examine the contents thereof, and to report thereon, with all convenient speed; with power to send for persons, papers, and records.

*Ordered* — That Mr. *Burnett*, Mr. *Neilson*, Mr. Attorney General *Ogden*, Mr. *Black* and Mr. *Aylwin*, do compose the said Committee.

Petition of John  
Atkinson, referred to  
select committee.

*Resolved* — That the petition of *John Atkinson*, of the Township of *Hemmingford*, presented to the House on the 28th day of *June*, last, be referred to a Committee of *three* members, to examine the contents

thereof, and to report thereon, with all convenient speed ; with power to send for persons, papers and records.

That Mr. *Dunscomb*, Mr. *Chesley*, and Mr. *Moore*, do compose the said Committee.

*Resolved* — That the petition of divers Inhabitants of the county of *Portneuf*, presented to the House on the 22nd day of June last, be referred to a Committee of five members to examine the contents there-

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of, and to report thereon, with all convenient speed ; with power to send for persons, papers, and records.

*Ordered* — That Mr. *Aylwin*, Mr. *Neilson*, Mr. *Parent*, Mr. *Cartwright* and the Honourable Mr. *Viger*, do compose the said Committee.

*Ordered* — That the petition of divers Inhabitants of the late Province of *Lower Canada*, presented to the House on the 25th day of June, last, be referred to the said Committee.

Sir *Allan McNab*, moved seconded by Mr. *Aylwin*, that a call of the House be made on *Wednesday* next at two o'clock, P.M.<sup>13</sup>

Mr. *Johnston* said he could see no necessity for a call of the House.<sup>14</sup>

Mr. *Durand* was of the opinion that there should be a call of the House, otherwise it would be difficult to procure a sufficient number of members to be present, especially as two election committees were already sitting.<sup>15</sup>

Mr. *Merritt* was opposed to the motion, because he had never known any good result from it.<sup>16</sup>

Mr. *Simpson* said that it was impossible ; that some were at Quebec, some at Montreal, and others on their travels, — but whether to Lilliput or Constantinople, the hon. gentleman gave no precise information to the house.<sup>17</sup>

Sir *Allan MacNab* would very kindly leave it to the friends of absentees, to account for them.<sup>18</sup>

Mr. *Viger* was unfavorable to such legislative summonses, having known not only fines imposed upon delinquents, but the quiet repose of a gaol, considerably awarded as an additional proof of parliamentary indulgence, to those who were innocently astray.<sup>19</sup> ((He)) remarked that a call from the House should only take place in cases of urgent necessity, and upon questions of the utmost importance, (hear, hear,) and when put in practice the attendance of members should be enforced.<sup>20</sup>

Mr. *Aylwin* considered it imperative, that some measure of the kind should be adopted ; or the house occupied with the contested elections, would be left without a quorum.<sup>21</sup>

Mr. *Johnston* suggested that instead of a call of the house, the Sergeant-at-Arms should be simply directed to make a tour round the premises, and he would find members enough to answer every purpose.<sup>22</sup>

Mr. *Cameron* accorded with the hon. gentleman, (Mr. *Aylwin*), that there should be a call.<sup>23</sup> Mr. *Cameron* said, that it was a common thing in Upper Canada to have such call on all pressing occasions. He instanced the anxiety that prevailed on the Clergy Reserves Bill. Here much confusion took place, some member moving to read the orders of the day.<sup>24</sup>

Mr. *Child* observed that the language of the motion should be somewhat different — it should be a call of the whole House.<sup>25</sup>

Mr. *Merritt* said it must clearly be understood that a call of the House meant a call of the whole House. He thought, however, that calls of the House should be avoided on all occasions where it was possible to avoid them. It was utterly useless unless the call were enforced (sic), and the attempt to enforce a call was sometimes attended with disagreeable consequences. On one

Petition from Port Neuf, referred to select committee.

Petition of Inhabitants of Lower Canada, referred to same committee.

Motion for call of House.

occasion in Upper Canada certain Members were brought to the bar of the House, and required to make an apology for their absence. They did so, but in a way which was not very creditable to themselves or the House.<sup>28</sup>

**Mr. Aylwin** would be very happy to adopt any other measures, could they be suggested as efficacious. He had heard from the Speaker, that on Wednesday more election business would be before the house, which unless members attended more numerous, must leave the affairs of the country in *statu quo*.<sup>27</sup>

**Mr. Speaker ((Cuvillier))** here informed the house that two contested elections were on the orders of Wednesday, which unless a more numerous attendance took place, would leave the House incompetent to act. — <sup>28</sup>

**Mr. Black** remarked that a call was rarely made in the House of Commons, and when made a remote period was invariably fixed for the call to take place: for upon a call being ordered it becomes the duty of the Speaker to cause the proper officer to notify absent members. He did not consider that the business of Wednesday next was of that importance that a call of the House would be required; it should only take place upon the determination of some great Constitutional question. — The hon. mover of this proposition had no right to assume that members would be guilty of a dereliction of duty in the present case.<sup>29</sup>

**Col. Prince** said he was sorry to differ from the hon. gentleman who had just spoken. He (Col. Prince) would support the motion, because he thought it all important that a full attendance of Members of that House should be had on Wednesday next. He could not concur in the view which was taken by the hon. Gentleman from Quebec (Mr. Black,) that there was any necessity for sending to Montreal, Quebec or Sandwich for absent members when a call of the House takes place. Members were presumed to be during the continuance of the session in attendance at the place where the Parliament is summoned to be holden. The intention of a call was to secure the attendance of those who were within a reasonable distance, and not of those who had obtained leave of absence. He certainly thought that a call should take place to prevent the possibility of the business of the House being delayed, of which complaint had already arisen; and while upon this subject he would take occasion to advert to a letter which he noticed in one of the newspapers, published in this Town, containing insulting language towards that House, for which the publisher should be brought to the bar.<sup>30</sup> ((He)) had seen some very flattering remarks in the *Kingston Chronicle and Gazette*, upon the judicious disposal of time, and the very luminous debates, that had taken place in the House, upon those subjects that were connected only with the interests of the Province — for which the editor of that journal merited the thanks of parliament, at the bar of that house.<sup>31</sup> He ((Col. Prince)) would support the motion of the hon. and gallant gentleman from the Town of Hamilton.<sup>32</sup>

**Mr. Chesley** said he certainly apprehended that this very protracted debate, would not have a tendency to remove, or to silence the complaints which were going abroad of the procrastination of the real business of the house, and of the country. Would it not be better that the speaker should direct the proper officer to wait upon the different members who are in Town and request their attendance; he thought that a call of the house should only be resorted to on the most momentous occasions; he would not vote against the motion.<sup>33</sup>

**Mr. Aylwin.** — Hon. Gentlemen seem very much alarmed at the idea of having a call of the house. The hon. gentleman (Mr. Chesley) would only have a call to take place upon momentous occasions; is not this a momentous occasion? Unjust charges have been preferred that members of that house were willing to protract the business of the country. It certainly appeared to him (Mr. Aylwin) that there was a most urgent necessity for the adoption of the resolution.<sup>34</sup>

**Mr. Roblin** was in favour of the motion.<sup>35</sup>

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Amendment proposed.

**Mr. Hamilton**, then moved, seconded by **Mr. Dunscomb**, that the Orders of the day be now called.

Amendment lost.

The question having been put on the said motion, a division ensued, and it passed in the negative.

Main Question put.

The question being then put upon the main motion the House divided thereon, and the names being called for, they were taken down as followeth: —



YEAS.

<i>Armstrong,</i>	<i>Durand,</i>	<i>Prince,</i>	<i>Thompson,</i>
<i>Aylwin,</i>	<i>Hale,</i>	<i>Roblin,</i>	<i>Thorburn,</i>
<i>Burnet,</i>	<i>Holmes,</i>	<i>Smith, (Fron.)</i>	<i>Turcotte,</i>
<i>Cameron,</i>	<i>MacNab, Sir A.N.</i>	<i>Smith, (Went.)</i>	<i>Woods,</i>
<i>Delisle,</i>	<i>Morris,</i>	<i>Sherwood,</i>	<i>Yule. — 23.</i>
<i>Derbishire,</i>	<i>Powell,</i>	<i>Steele,</i>	

NOES.

<i>Black,</i>	<i>Day, Hon. C. D.</i>	<i>Johnston,</i>	<i>Raymond,</i>
<i>Boutillier,</i>	<i>De Salaberry,</i>	<i>McDonald, (Pres.)</i>	<i>Simpson,</i>
<i>Chesley,</i>	<i>Dunscomb,</i>	<i>Merritt,</i>	<i>Viger, Hon. D.B.</i>
<i>Child,</i>	<i>Foster,</i>	<i>Neilson,</i>	<i>Watts. — 18.</i>
<i>Christie,</i>	<i>Hamilton,</i>		

So it was carried in the affirmative and

*Resolved* — That a call of the House be made on *Wednesday next*, at 2 o'clock P. M.

On Motion of Mr. *Black*, seconded by Mr. *Dunscomb*.

*Ordered* — That the Orders of the day be now called.

A Bill for improving the administration of Criminal Justice, in this Province, was according to Order, read a second time.

*Resolved* — That the said Bill be referred to a Committee of *five* members, to report thereon, with all convenient speed; with power to send for persons, papers, and records.

*Ordered* — That Mr. *Black*, Mr. *Baldwin*, Mr. *Aylwin*, Mr. *Cartwright*, and Mr. Solicitor General *Day*, do compose the said Committee.

A Bill for consolidating and amending the Laws, in this Province, relative to Larceny, and other offences connected therewith, was according to Order, read a second time.

*Resolved* — That the said Bill be referred to a Committee of *five* members, to report thereon, with all convenient speed; with power to send for persons, papers, and records.

*Ordered* — That Mr. *Black*, Mr. *Baldwin*, Mr. *Aylwin*, Mr. *Cartwright*, and Mr. Solicitor General *Day*, do compose the said committee.

A Bill for consolidating and amending the Laws, in this Province,

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relative to Larceny and other offences connected therewith, was according to Order, read a second time.

*Resolved* — That the said Bill be referred to a Committee of *five* members, to report thereon, with all convenient speed; with power to send for persons, papers, and records.

*Ordered* — That Mr. *Black*, Mr. *Baldwin*, Mr. *Aylwin*, Mr. *Cartwright*, and Mr. Solicitor General *Day*, do compose the said committee.

The order of the day for the second reading of the bill for repealing the several Statutes in this Province relative to the Benefit of Clergy, and to Larceny and other offences connected therewith, to Malicious Injuries to property, and to Offences against the person, being read.

*Ordered* — That the said order of the day be postponed until *Tuesday the thirteenth instant*.

A Bill for consolidating and amending the Laws, in this Province, relative to offences against the person, was, according to order, read a second time.

*Resolved* — That the said Bill be referred to a committee of *five* members, to report thereon, with all convenient speed; with power to send for persons, papers, and records.

*Ordered* — That Mr. *Black*, Mr. *Baldwin*, Mr. *Aylwin*, Mr. *Cartwright*, and Mr. Solicitor General *Day*, do compose the said committee.

Call of House  
Wednesday next,  
at 2, P.M.

Bill to improve  
administration of  
Justice read second  
time and referred  
to select committee.

Larceny Law  
Amendment Bill read  
second time  
and referred to  
select committee.

Bill for amending

Laws relative to  
Larceny read second  
time and referred  
to select committee.

Order of day for  
second reading Bill,  
Benefit of Clergy,  
etc. postponed.

Bill for amending  
Law relative to  
offences against the  
person, read second  
time & referred to  
select committee.

Bill relative to malicious injuries to property read second time and referred to select committee.

A Bill for consolidating and amending the laws, in this Province relative to Malicious Injuries to property, was, according to order, read a second time.

*Resolved* — That the said Bill be referred to a committee of five members, to report thereon with all convenient speed; with power to send for persons, papers, and records.

*Ordered* — That Mr. Black, Mr. Baldwin, Mr. Aylwin, Mr. Cartwright, and Mr. Solicitor General Day, do compose the said committee.

Order of day for second reading Bill for relief of Infirm, postponed.

The order of the day for the second reading of the bill for the relief of disabled and infirm persons, being read,

*Ordered* — That the said order of the day be postponed until to-morrow.

Order of day on Warehousing Bill, postponed.

The Order of the day for the House in Committee, to consider the expediency of introducing measures for the warehousing and bonding of goods in the several free warehousing Ports of this Province, being read,

*Ordered* — That the said order of the day be postponed until to-morrow.

Order of day for considering laws levying duties on imports, postponed.

The Order of the day for the House in Committee to consider the expediency of enquiring into the several Laws, levying duties on imports into this Province, and to consider the propriety of amending and consolidating the same, being read,

*Ordered* — That the said Order of the day be postponed until to-morrow.

Order of day, for committee of whole on 1st Report on Clerk's Office, postponed.

The Order of the day for the House in Committee, on the first report of the Special Committee appointed to enquire what assistance it will be necessary to afford to the Clerk, and what Offices and departments it will be expedient to establish, for the effective and orderly conduct of the business of this House, being read,

*Ordered* — That the said Order of the day be postponed until to-morrow.

Then on motion of Mr. Hamilton seconded by Mr. Aylwin, The House adjourned.

#### Appendix, 5 July 1841.

##### ((Notice of Proposed Motions.))

Mr. Holmes gave notice, that, tomorrow, he would move that the House in Committee consider the expediency of abolishing all duties now levied upon copies of the Holy Scriptures imported by sea....<sup>36</sup>

Mr. Johnston ((gave notice)) that, tomorrow, he would move for the consideration of the amendment of the existing Road Act of Upper Canada....<sup>37</sup> ,

Mr. Turcotte, ((gave notice)) that, on Friday, he would move for the consideration and amendment of the Winter Sleigh Ordinance — and the laws relating to the establishment of Parishes, the erection of Churches, &c.<sup>38</sup>

##### ((Withdrawn Report on Gaspé Fisheries Bill.))

Mr. Hamilton reported on the Gaspé Fisheries Bill, but subsequently, for sufficient reasons, withdrew his Report.<sup>39</sup>

##### ((Motion Re: Report of Printing Committee Lost.))

Mr. Morris moved to revive the order of the day on the Report of the Committee on Printing, lost by a previous adjournment, and to put it on the orders for today, but was met by a motion to take up the orders of the day, which prevailed.<sup>40</sup>

**((Printed Petition Rejected.))**

A petition presented yesterday, and read over today in its usual order, was rejected by the Speaker, in consequence of the petition being *printed*. The decision is founded on the practice of Parliament.<sup>41</sup>

**((Withdrawn Motion Re : Contingencies Conference.))<sup>42</sup>**

The hon. member ((Mr. Thorburn)) was of opinion that the disposal of monies should originate with the commons, but as it was necessary that immediate action should be taken upon it, in order that the wants of those who were employed upon the establishment, might meet with immediate attention, he was desirous to that effect, that a conference should take place with the upper house. The hon. gentleman therefore moved, that the select committee appointed to report upon the contingencies of this house, be authorised to confer with a select committee of the legislative council, upon the contingencies of both houses — merely as a conference.<sup>43</sup>

Mr. Aylwin said it would be remarked as a singular circumstance in the history of this Parliament, that no committee of privilege, or committee of good correspondence with the other branch of the Legislature had as yet been appointed. He was sorry the hon. gentleman had brought up this motion at a moment when the treasury benches were deserted. All the measures which had as yet been proposed to that house had originated with private individuals, whereas the house had been led to expect that ministers were prepared to bring forward all necessary measures. He perceived that complaints had been made in some of the newspapers against that house for procrastination, and he was inclined to think that if they were to wait until ministers were ready to bring forward their promised measures that those complaints would be fully justified. (Hear, hear.) It was a disgrace to that house that no committee of good correspondence with the other branch of the Legislature had been appointed. He hoped that another day would not be allowed to pass without the appointment of such a committee.<sup>44</sup>

Mr. Thorburn observed that such had not been the practise in Upper Canada. As regards a committee of privilege (sic), he believed there had been no complaints of breach of privilege (sic). There was no doubt that a great many things had been left undone which they ought to have done, and the appointment of a committee upon the contingencies of that house he considered to be one of those things which ought not to be any longer delayed.<sup>45</sup>

Sol. Gen. Day said that as reference had been made to the members of the administration by the hon. member from Port Neuf, it might perhaps be proper that he (Mr. Day) should make a few observations in reply. The first charge made by the hon. member against the officers of government was, that the business of the house had been delayed by awaiting the introduction of those measures which they were expected to bring forward. He could only say, that although himself and his colleagues had assumed certain duties for the performance of which they hold themselves accountable, yet as far as relates to the ordinary business of the house, it was as much the duty of the hon. gentleman from Port Neuf himself as it was their duty, to forward all ordinary measures. The hon. member from Port Neuf seemed desirous of forcing upon the members of the administration a responsibility somewhat greater than it could reasonably be expected that they should assume. With respect to the absence of any government measure, he could only say that the attention of the officers of the government had been given with great assiduity to the preparing and maturing such measures as were necessary to be brought before the house; and he would put it to the good sense of the house whether under the peculiar circumstances, placed as they were in a situation altogether novel, they could be expected to be prepared at once: besides, it must be recollected that questions of no small consequence had already been discussed, questions which required the attendance of the members of the administration in their places in that house. He was, however, happy to be able to inform the house that in the course of the ensuing week some of those all important measures would be brought forward, and he trusted that all reproach on the score of delay would be entirely removed.<sup>46</sup>

Mr. Viger addressed the house for a considerate (sic) time, but in so low a tone that it was impossible to do more than catch the general tenor of the hon gentleman's observations. He animadverted upon the conduct of the gentlemen who occupy the treasury benches, for having on a recent occasion vigorously opposed the appointment of committees for various purposes, without having at that time or since proposed in any manner to supply the place of those committees.<sup>47</sup>



Sir Allan MacNab said he was not prepared to vote for the resolutions of the hon. gentleman from Lincoln immediately. He did not know what the Legislative Council could have to do with the contingencies of the House of Assembly. They could appoint a committee with regard to their own. The course proposed by the hon. gentleman had never been in use in Upper Canada, and he (Sir Allan) did not consider it advisable to adopt it now. He was glad to hear from the hon. gentleman, one of the officers of the government, (Mr. Day,) that those great measures which were expected from ministers were in a state of forwardness, and would soon be submitted to the House. The country was looking anxiously for those measures, and that House was looking anxiously for them; and he thought they had every reason to expect that there (sic) would be no delay in bringing them forward, as there were a double number of law officers of the Crown, a double number of Secretaries, &c.<sup>48</sup>

Mr. T((horburn)) gave notice that he would move on the subject on some future day.<sup>49</sup>

Footnotes — 5 July 1841.

1. This debate was reported in: BRITISH COLONIST, 14 July 1841; KINGSTON CHRONICLE, 10 July 1841, the reporter being Henry Fowler, owner of the MIRROR OF PARLIAMENT.
2. KINGSTON CHRONICLE, 10 July 1841.
3. IBID.
4. IBID.
5. IBID.
6. The ensuing debate was reported in: MONTREAL GAZETTE, 9 July 1841; KINGSTON CHRONICLE, 10 July 1841; BRITISH COLONIST, 14 July 1841; ST. CATHARINES JOURNAL, 22 July 1841, copied from BRITISH COLONIST, 14 July 1841.
7. BRITISH COLONIST, 14 July 1841.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. The debate arising from this motion may be found in: MONTREAL GAZETTE, 9 July 1841; LE CANADIEN, 14 July 1841, translated from KINGSTON CHRONICLE, 10 July 1841; KINGSTON CHRONICLE, 10 July 1841; WESTERN HERALD, 21 July 1841; ST. CATHARINES JOURNAL, 22 July 1841, copied from BRITISH COLONIST, 14 July 1841; BRITISH COLONIST, 14 July 1841.
14. KINGSTON CHRONICLE, 10 July 1841.
15. IBID.
16. IBID.
17. BRITISH COLONIST, 14 July 1841.
18. IBID.
19. BRITISH COLONIST, 14 July 1841.
20. KINGSTON CHRONICLE, 10 July 1841.
21. BRITISH COLONIST, 14 July 1841.
22. IBID.
23. KINGSTON CHRONICLE, 10 July 1841.
24. BRITISH COLONIST, 14 July 1841.
25. KINGSTON CHRONICLE, 10 July 1841.
26. IBID.
27. BRITISH COLONIST, 14 July 1841.
28. IBID.
29. KINGSTON CHRONICLE, 10 July 1841.
30. IBID.
31. BRITISH COLONIST, 14 July 1841.
32. KINGSTON CHRONICLE, 10 July 1841.
33. IBID.
34. IBID.
35. BRITISH COLONIST, 14 July 1841.
36. MONTREAL GAZETTE, 9 July 1841.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. The debate on this motion, which was eventually withdrawn, was reported in: LE CANADIEN, 14 July 1841, translated from KINGSTON CHRONICLE, 10 July 1841; KINGSTON CHRONICLE, 18 July 1841; ST. CATHARINES JOURNAL, 22 July 1841, copied from BRITISH COLONIST, 14 July 1841; BRITISH COLONIST, 14 July 1841.
43. BRITISH COLONIST, 14 July 1841.
44. KINGSTON CHRONICLE, 10 July 1841.
45. IBID.
46. IBID.
47. IBID. The problem of hearing Viger's voice was also mentioned by the BRITISH COLONIST, 14 July 1841. "Mr. Viger's still small voice, was heard after the hon. gentleman had resumed his seat...."
48. KINGSTON CHRONICLE, 10 July 1841.
49. MONTREAL GAZETTE, 9 July 1841.

## Tuesday, 6 July 1841.

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Bank Statements laid  
in for Niagara  
contested election.

Mr. Speaker laid before the House a general statement of the affairs of the *Quebec Bank*.

Also a general statement of the affairs of the *Gore Bank*.

And a statement of the affairs of the Branch Bank of British North America, at *Toronto*.

The said statements being received in conformity to an order of this House of the 25th of *June*, last.

For the said statements see Appendix (C).

Recognizance given  
in for Niagara  
contested election.

Mr. Speaker acquainted the House that *Charles Stewart* and *Henry John Boulton*, had entered into the usual recognizance required by law, on the subject matter of the contested election for the Town of *Niagara*.

Petitions brought up.

The following Petitions were severally brought up, and laid on the table.

President and  
Directors of  
*Quebec Bank*.

By Mr. *Black*, the Petition of the President, Vice President and Directors, representing the Stockholders of the *Quebec Bank*, and the Petition of the right reverend the Bishop of *Montreal*, and others, proprietors of land in the Seignory of *Saint Gabriel*.

Bishop of *Montreal*  
& others.

By Captain *Steele*, the Petition of *Alexander Lewis*, and divers others, of the Townships of *Caledon*, *Albion*, *Mono*, and other places.

Alex. Lewis & others.

John Rae and others.

By Mr. *Christie*, the Petition of *John Rae*, and others, Inhabitants of *Kempt road*, in the county of *Bonaventure*, and the Petition of *Robert W. Kelly*, and others, Inhabitants of the upper part of the county of *Gaspé*.

R. W. Kelly & others.

Duncan McDonald  
and others.

By Mr. *Chesley*, the Petition of *Duncan McDonald*, and others, Inhabitants of the Town of *Cornwall*.

Rev. Wm. Ryerson,  
and others.

By Mr. *Boswell*, the Petition of the Reverend *William Ryerson*, and others, composing the Board of the *Upper Canada Academy*.

Hon. Matthew Bell  
and others.

By Mr. Attorney General *Ogden*, the Petition of the Honourable *Matthew Bell*, and others, Inhabitants of the District of *Three Rivers*.

William Robinson  
and others.

By Mr. *Hopkins*, the Petition of *William Robinson*, and others, Inhabitants of the Township of *Trafalgar*.

Rev. Andrew Balfour,  
and others.

By Mr. *Foster*, the Petition of the Reverend *Andrew Balfour*, and others, residents of the Township of *Shefford*.

*Gaspé Fishery Bill*  
reported amended.

Mr. *Hamilton*, from the Special Committee to which was referred the Bill to regulate the Fisheries in the District of *Gaspé*, reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed, to report to the House, whenever it shall be pleased to receive the same.<sup>1</sup>

Mr. *Christie* objected to the report being received. He had not been consulted on the subject, although he was one of the select committee to whom the matter had been referred.<sup>2</sup>

Mr. *Hamilton* said it was the report of a majority of the committee unanimously agreed to, and he trusted the house would not reject the report in consequence of the objection of a single individual.<sup>3</sup>

Mr. *Viger* said he thought it was understood, when the hon. member had withdrawn the report yesterday, it was with the understanding that the report should be re-committed.<sup>4</sup>

Mr. Cameron said it appeared, rather unfortunately for the house, that there was a misunderstanding between the two hon. members from adjacent counties. He believed the house understood, and common sense dictated, that the report should have been re-committed, that the committee would again have met, and have given notice to the hon. gentleman from Gaspé to attend the meeting of the committee. By the proceeding of this committee, however, he thought one important feature was pointed out, which was, that in appointing select committees the rules of that house should not be departed from; that no person who was known to be hostile to the subject submitted should be named to serve upon the committee.<sup>5</sup>

Mr. Sherwood was of opinion that the intention had been that the report should lie upon the table until to-day that the hon. member from Gaspé might have an opportunity of examining it, and he would have ample opportunity of expressing his dissent when the house went into committee of the whole upon the report.<sup>6</sup>

Mr. Johnston said his understanding of the matter was that the report was to be re-committed.<sup>7</sup>

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Mr. Speaker having put the question "Is it the pleasure of the House to receive the report of the Committee?"

Report not received.

The House divided on the question, and it passed in the negative.

Committee on  
Petition of  
inhabitants of Gore  
District, have leave  
to report, from  
time to time.  
Second Report of  
committee on Printing  
recommitted.

*Ordered*—That the Special Committee to which was referred the Petition of divers Inhabitants of the Gore District, have power to report, from time to time.

On motion of Mr. Morris, seconded by Mr. Thorburn,

*Ordered*—That the Order of the day for receiving the report of the Committee of the whole House on the second report of the Standing Committee appointed to superintend the Printing of the House, during

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the present Session, lost by the adjournment of the House of *Friday* last, be revived, and discharged; and that the said report be re-committed to the said Standing Committee, for further consideration.

Report of committee  
of whole on report  
of special committee  
on subject of  
subscribing to  
Newspapers revived.

Mr. Hincks moved, seconded by captain Steele, that the Order of the day for receiving the report of the Committee of the whole House on the report of the Special Committee to which was referred the subject of the subscription of the House to the public Newspapers of the Province, lost by the adjournment of the House of *Friday* last, be revived, and that the report be now received.<sup>8</sup>

Mr. Hamilton said he should oppose the motion; not that he thought their constituents ought not to be made acquainted with the proceedings of that House, but he thought the mode proposed was altogether unconstitutional. He thought it would be abusing the confidence of the government which had placed money in their hands for the purpose of defraying the contingent expenses of the House, to expend that money in the way proposed. He would not now urge the same reason which he did on a former occasion, that it was not in accordance with the practice in England; he would set aside that argument, and oppose it on the ground that it was unconstitutional — that they had no right to apply the money to such a purpose. If they had a right to apply this money for the payment of subscriptions to a newspaper, they had an equal right to apply it to the payment of their own expenses. Such a practice had been resorted to on one or two occasions in Lower Canada, but that was no reason why they should in that House adopt a similar proceeding.<sup>9</sup>

Sir Allan MacNab said he would, before the question was put, take the liberty of saying a few words upon it. He did not view it in the light of paying Reporters; it was merely facilitating the publication of the debates of that house, in order that the constituents of hon. members might the better understand what was said there. It was well known to every one in that house that a vast majority of the public newspapers were decidedly in favour of one particular party: and the speeches of hon. members who were favorable to that party would doubtlessly be well reported in those papers; while those of others would be wholly omitted or imperfectly given. But here was a paper entirely unconnected with party politics, which professed to give, and he had no doubt would give, an impartial unbiassed and correct report; he thought therefore, it



should be encouraged, he thought it was due to the constituency which sent them to that house, that they should not reject the only means in their power for giving them correct information. The British House of Commons although they did not pay Reporters, nevertheless tolerated the practice of Reporting ; and why did they do so ? It was that the public might be put in possession of that knowledge which it was so desirable they should possess, namely, of the conduct and proceedings of their representatives. He would not for a moment admit the truth of the proposition, that it was a misapplication of money, or that they had no right to apply the money for this purpose. The same objection would apply to the ordering of 5 newspapers as five hundred. It is precisely the same in principle. It was very well known that the country looked for information at their hands, and in what way would that information be given them, if it were left to those party newspapers ? (hear, hear.). The amount required to be expended was a mere trifle, and he thought if it were supposed that the vote would be unconstitutional, they would find before the end of the Session a great many unconstitutional grants of money, and of larger sums than the one now proposed to be voted.<sup>10</sup>

**Mr. Johnston** said he felt it his duty to vote against this motion, having hitherto been opposed to the proposal of the committee on principle. If it were not paying for reporting directly it was doing so indirectly, and he thought there was very little difference. He found besides that it was not one paper alone which they were going to support by this vote but two or three ; in the *Chronicle & Gazette* appeared a long report purporting to have been made by H. Fowler, Esq. who is also the publisher of the *Mirror of Parliament*. If he furnishes other papers besides his own, it is but reasonable to suppose that he receives *quid pro quo* from those papers, and he (Mr. J.) thought therefore the vote proposed, would be a useless expenditure of money. He did not see the propriety of voting away five hundred dollars a month to so little purpose. Besides he did not altogether believe in the correctness of the report contained in the "*Mirror*," he would mention an instance when exactly the reverse of what he (Mr. Johnston) had said was stated ; he was represented to have demanded from the gentlemen on the treasury benches, whether they would rest their popularity upon those measures which they themselves introduced ; now what he had asked of them was whether they would rest their popularity on such measures as the hon. member for West Halton (Mr. Durand) might introduce.<sup>11</sup> The hon. member amused the house by saying that he had paid one subscription for the *Mirror*, amounting to 7s. 6d. currency, which he would transfer to any hon. member for a quarter-dollar.<sup>12</sup>

**Mr. Durand** said it appeared from the hon. gentleman's observations, that he feared other papers would benefit by the labours of the publisher of the *Mirror of Parliament*. He (Mr. Durand) hoped it would be the case ; it was the very thing which was most desirable ; the more they could diffuse information the better and as the vote they were about to give would have the effect of placing all newspapers in the possession of the reports, he thought there could be no reasonable objection offered to it on that score. It was expected that very shortly the Budget would be opened, and there would then be abundant materials both for the employment of hon. members in that House, and also for those whose business it would be to furnish to the country information of the proceedings of the House. He thought the arguments of the hon. member tended to strengthen the position. He would cheerfully support the motion.<sup>13</sup>

**Col. Prince** said he merely rose for the purpose of cautioning hon. members against consuming the time of the House unnecessarily by again going into a debate upon this subject. The resolutions had been already carried by a considerable majority in committee of the whole House on a former occasion.<sup>14</sup>

**Mr. Chesley** said he observed on the part of hon. gentlemen who were in favor of the proposition a great fear of entering into any further discussion upon the subject. For his own part he had heard subjects of far less consequence discussed, and he was particularly desirous of hearing and understanding the full merits of the case. He (Mr. Chesley) was perfectly aware that there are among the constituents of hon. members many who would be extremely glad to obtain information without expense to themselves ; but he would not to gratify the selfishness of any one, consent to vote so large a sum of money.<sup>15</sup>

**Mr. Turcotte** spoke out against the mode adopted by the press generally, of commenting upon the speakers, and in allusion, to remarks that had appeared in the *Morning Courier*, as to his having previously made a *furious speech*, he remarked that he cared not who the correspondent of that Courier was, be he present or absent — Member of this House or not — the Hon. Member for Bytown or any other individual, he had much satisfaction in openly saying he had stated an infamous and abominable falsehood.<sup>16</sup>

**Mr. Derbishire** repudiated the charge distinctly, and the matter dropped in the House, after several loud cries of "order."<sup>17</sup>

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The House divided on the motion, and the names being called for, they were taken down, as followeth : —

YEAS.

<i>Armstrong,</i>	<i>Harrison, Hon. B.</i>	<i>Parent,</i>	<i>Ruel,</i>
<i>Baldwin,</i>	<i>Hincks,</i>	<i>Powell,</i>	<i>Smith, (Went.)</i>
<i>Black,</i>	<i>Holmes,</i>	<i>Price,</i>	<i>Steele,</i>
<i>Boswell,</i>	<i>Hopkins,</i>	<i>Prince,</i>	<i>Thorburn,</i>
<i>Day, Hon. C.D.</i>	<i>MacNab, Sir A.N.</i>	<i>Quesnel,</i>	<i>Turcotte,</i>
<i>Dunn, Hon. J.H.</i>	<i>Merritt,</i>	<i>Raymond,</i>	<i>Viger, Hon. D.B.</i>
<i>Durand,</i>	<i>Morris,</i>		(26).

NOES.

<i>Burnet,</i>	<i>Foster,</i>	<i>McDonald, (Pres.)</i>	<i>Strachan,</i>
<i>Chesley,</i>	<i>Hale,</i>	<i>McLean,</i>	<i>Thompson,</i>
<i>Christie,</i>	<i>Hamilton,</i>	<i>Moore,</i>	<i>Watts,</i>
<i>Delisle,</i>	<i>Johnston,</i>	<i>Robertson,</i>	<i>Williams,</i>
<i>De Salaberry,</i>	<i>Jones,</i>	<i>Sherwood,</i>	<i>Yule. — 21.</i>
<i>Dunscomb,</i>			

So it was carried in the affirmative.

Resolution reported  
from committee.

Accordingly *Mr. Armstrong* from the Committee of the whole House on the report of the Special Committee to which was referred the subject of the subscription of the House to the Public Newspapers of the Province, reported to the House the resolution of the said Committee, which was again read at the Clerks table as followeth : —

Resolution.

*Resolved*, as the opinion of this Committee, that the Clerk of this House be authorized to procure, from the Proprietor of the *Mirror* of Parliament of Canada, five hundred copies of each publication of that paper, for the use of the members of this House, at the rate of five shillings currency, each, per month ; and that the same be charged in the contingent accounts of this House.

Motion for concurring  
in resolution.

*Mr. Hincks* moved, seconded by Captain *Steele*, — That the House doth concur with the Committee in the said resolution.

Amendment proposed.

*Mr. Hamilton*, then moved, in amendment, seconded by *Mr. Solicitor General Day*, that the question of concurrence be put upon the said resolution this day six months.

House divides  
on amendment.

The House divided on the motion of amendment and the names being called for, they were taken down as followeth : —

YEAS.

<i>Black,</i>	<i>De Salaberry,</i>	<i>Jones,</i>	<i>Small,</i>
<i>Burnet,</i>	<i>Draper, Hon. W.H.</i>	<i>McDonald, (Prest.)</i>	<i>Sherwood,</i>
<i>Chesley,</i>	<i>Dunscomb,</i>	<i>McLean,</i>	<i>Strachan,</i>
<i>Christie,</i>	<i>Foster,</i>	<i>Moore,</i>	<i>Thompson,</i>
<i>Crane,</i>	<i>Harrison, Hon. C.</i>	<i>Ogden, Hon. C.R.</i>	<i>Watts,</i>
<i>Daly, Hon. D.</i>	<i>Hale,</i>	<i>Robertson,</i>	<i>Williams,</i>
<i>Day, Hon. C.D.</i>	<i>Hamilton,</i>	<i>Roblin,</i>	<i>Yule. — 30.</i>
<i>Delisle,</i>	<i>Johnston,</i>		

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NOES.

<i>Armstrong,</i>	<i>Dunn, Hon. J.H.</i>	<i>Neilson,</i>	<i>Smith, (Fron.)</i>
<i>Baldwin,</i>	<i>Durand,</i>	<i>Parent,</i>	<i>Smith, (Went.)</i>
<i>Barthe,</i>	<i>Hincks,</i>	<i>Powell,</i>	<i>Steele,</i>
<i>Berthelot,</i>	<i>Holmes,</i>	<i>Price,</i>	<i>Taché,</i>
<i>Boswell,</i>	<i>Hopkins,</i>	<i>Prince,</i>	<i>Thorburn,</i>
<i>Boutillier,</i>	<i>Killaly, Hon. H.H.</i>	<i>Quesnel,</i>	<i>Turcotte,</i>
<i>Buchanan,</i>	<i>McNab, Sir A. N.</i>	<i>Raymond,</i>	<i>Viger, Hon. D.B.</i>
<i>Cameron,</i>	<i>Merritt,</i>	<i>Ruel,</i>	<i>Woods. — 34.</i>
<i>Child,</i>	<i>Morris,</i>		

Amendment lost.

So it passed in the Negative,

The question being then put upon the main motion, the House divided thereon, and the names being called for, they were taken down as followeth : —

## YEAS.

<i>Armstrong,</i>	<i>Dunn, Hon. J.H.</i>	<i>Neilson,</i>	<i>Smith, (Fron.)</i>
<i>Baldwin,</i>	<i>Durand,</i>	<i>Parent,</i>	<i>Smith, (Went.)</i>
<i>Barthe,</i>	<i>Hincks,</i>	<i>Powell,</i>	<i>Steele,</i>
<i>Berthelot,</i>	<i>Holmes,</i>	<i>Price,</i>	<i>Taché,</i>
<i>Boswell,</i>	<i>Hopkins,</i>	<i>Prince,</i>	<i>Thorburn,</i>
<i>Boutillier,</i>	<i>Killaly, Hon. H.H.</i>	<i>Quesnel,</i>	<i>Turcotte,</i>
<i>Buchanan,</i>	<i>McNab, Sir A. N.</i>	<i>Raymond,</i>	<i>Viger, Hon. D.B.</i>
<i>Cameron,</i>	<i>Merritt,</i>	<i>Roblin,</i>	<i>Woods. — 35.</i>
<i>Child,</i>	<i>Morris,</i>	<i>Ruel,</i>	

## NOES.

<i>Black,</i>	<i>De Salaberry,</i>	<i>Jones,</i>	<i>Small,</i>
<i>Burnet,</i>	<i>Draper, Hon. W.H.</i>	<i>McDonald, (Pres.)</i>	<i>Sherwood,</i>
<i>Chesley,</i>	<i>Dunscomb,</i>	<i>McLean</i>	<i>Strachan,</i>
<i>Christie,</i>	<i>Foster,</i>	<i>Moore,</i>	<i>Thompson,</i>
<i>Crane,</i>	<i>Harrison, Hon. B.</i>	<i>Noel,</i>	<i>Watts,</i>
<i>Daly, Hon. D.</i>	<i>Hale,</i>	<i>Ogden, Hon. C. R.</i>	<i>Williams,</i>
<i>Day, Hon. C.D.</i>	<i>Hamilton,</i>	<i>Robertson,</i>	<i>Yule. — 31.</i>
<i>Delisle,</i>	<i>Johnston,</i>	<i>Simpson,</i>	

Original Question carried.

So it was carried in the affirmative, and,  
*Resolved* — accordingly.

The Honourable *S. B. Harrison*, one of Her Majesty's Executive Council, delivered to Mr. Speaker a message from His Excellency, the Governor General, signed by His Excellency.<sup>18</sup>

**Mr. Harrison** rose and stated that answer to that address had been placed under his charge, and with permission of the House he would now read the same. But before doing so perhaps he would be allowed to make one observation. There would be no necessity on future occasions for messengers from the House to wait upon his Excellency in cases where information or papers were asked for. All that would be necessary would be that twenty-four hours notice be given of the intention of the House to apply for such information, or for the production of any particular document. Then when the address is passed the proper officer will be prepared in his place in the House to furnish the reply. This method he believed would greatly facilitate the business of the House.<sup>19</sup>

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And the said message was read by Mr. Speaker, All the members of the House being uncovered, and is as followeth : —

## SYDENHAM,

The Governor General informs the House of Assembly that the Bill passed by the Legislative Council and House of Assembly of the late Province of *Upper Canada*, in the month of *May*, 1839, and reserved by the Lieutenant Governor of that Province for the signification of Her Majesty's pleasure, entitled "*an Act to authorize the purchase of 'the Private Stock in the Welland Canal on the part of this Province, 'and for other purposes therein mentioned'*" was specially confirmed and finally enacted by Her Majesty in Council on the 11th day of *September*, 1840.

Government House, Kingston, }  
5th, June, 1841.

Message from His  
Excellency the  
Governor General.

Act for purchasing  
Welland Canal  
private stock,  
confirmed by Her  
Majesty.

**Mr. Viger** objected to this mode of proceeding. It was out of all form of parliamentary practice. They had no right to receive this as an answer to their address.<sup>20</sup>



**Attorney General Ogden** said, perhaps it might be new to the hon. gentleman, but nevertheless he considered it perfectly unobjectionable. It was not necessary that His Excellency should give the answer to the messengers. A gentleman holding a high office comes into the House and says: here is the answer of His Excellency. He (Mr. Ogden) could see nothing irregular or improper in this method of communicating with the House. Here the channel of communication is direct between the Governor General and the House of Assembly, and all the House required to know was that the gentleman presenting the answer of His Excellency was an officer of the government.<sup>21</sup>

**Mr. Viger.** — Really if this mode of proceeding be adopted to-day, how are we to know what innovation may be attempted next. His Excellency informed the messengers of the House that he would communicate to the House his answer by message. Now let any hon. member read this communication which has been produced by the hon. gentleman opposite, who is a member of His Excellency's administration, and see whether it can be called a message such as this House is entitled to expect. A message to this House should be signed by His Excellency — this is not. He thought it was treating that House with very little consideration.<sup>22</sup>

**Mr. Simpson** said with all due deference to the hon. and learned member who had just spoken, he conceived that hon. Gentleman, was out of order in making the observation he had made. What could be the difference whether the hon. gentleman — the secretary to His Excellency appeared at the bar of the house and there delivered the message of His Excellency, or whether he delivered it in his place in the house. The new practice arises from the new system which is now to be put in operation, and he (Mr. Simpson) was not inclined to quarrel with it.<sup>23</sup>

**Mr. Viger** said he did not object to the message being brought by the hon. gentleman who had brought it, he only wished that the message itself should be such as it ought to be.<sup>24</sup>

**Mr. Cameron** said if he understood the meaning of the hon. gentleman (Mr. Viger) he certainly thought he would be borne out by authorities. The message should have been addressed to the Legislative Assembly, and should have been signed by His Excellency the Governor General. He (Mr. Cameron) concurred with the hon. gentleman in thinking that the practice should correspond with that pursued in England with regard to messages communicated from the head of the Government to the House of Commons.<sup>25</sup>

**Mr. Harrison** said there seemed to be a slight misapprehension on the minds of hon. members with regard to the intention of the officers of the government in adopting this course. The communication which he (Mr. Harrison) had made to the house was the answer which the Governor General communicates through him (Mr. Harrison) to those gentlemen who were the bearers of the address.<sup>26</sup>

**Mr. Viger** said if it were possible to view it in that light, he certainly had no objection.<sup>27</sup>

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Committee to wait on His Excellency with address for information on timber duties, reports answer.

**Mr. Aylwin**, accompanied by the other Messengers, reported to the House, that their address of the *thirteenth* of June last, to His Excellency, the Governor General, praying him to be pleased to cause to be laid before this House a copy of all correspondence between Her Majesty Ministers and His Excellency, in relation to any alteration in the scale of duties upon the importation into *Great Britain*, of foreign and colonial timber, or either, had been presented to His Excellency: — and that he had been pleased to give the following answer:

"GENTLEMEN,

Answer to address to Governor General on timber duties.

I have not received from the Secretary of State any communication on the subject of the proposed alteration of the duties, on Foreign or Colonial Timber, imported into the *United Kingdom*; I will transmit, however, for the information of the House of Assembly, the copy of a despatch which I addressed to the Secretary of State on that subject, in the month of *April* last."

Committee to wait on His Excellency with address for copy of Report on Toronto Riots, reports answer.

**Mr. Aylwin**, accompanied by the other Messengers, reported to the House that their address of the *thirteenth* of June last, to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a copy of the report and

proceedings of the Commissioners appointed to investigate certain supposed riots at or after the election of two members to serve in Parliament, for the city of *Toronto*, had been presented to His Excellency and that He had been pleased to give the following answer : —

"GENTLEMEN,

Answer to address to His Excellency for copy of report of Commissioners on Toronto Riots.

I have not yet received any report from the gentlemen who were deputed by me to investigate certain proceedings at *Toronto*, but when I shall have received, and shall have considered that report, I have little doubt of being able to comply with the wishes of the House of Assembly, by laying a copy of it before them."

On motion of Mr. *Morris*, seconded by Mr. *Thorburn*,

An address to be sent to His Excellency, for information in relation to losses of C. Leggo.

*Resolved* — That an humble address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to inform this House whether an answer has been received from Her Majesty to an address of the late House of Assembly of *Upper Canada*, in behalf of *Christopher Leggo*, of the Town of *Brockville*, and that the Honourable *S. B. Harrison*, and *W. H. Draper* do present the same.

Trial of Hastings controverted election postponed.

Sir *Allan McNab* moved, seconded by Mr. *Morris*, that the time appointed for the trial of the *Hastings* contested election be postponed until the hour of *four o'clock*, P. M., *to-morrow*, and that notices be given to the parties accordingly.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative.

*Ordered*, accordingly.

Mr. *Neilson* said he had had the honor of presenting to the house a petition, a few days ago, upon the proposed alteration of the timber duties in Great Britain. A press of other matters had prevented him, from moving the adoption of any proceedings relating to the subject. It was now time that they should bestow some attention upon the subject, and he would therefore move that the house resolve itself into a committee of the whole on Friday next, that the sense of the house might be taken upon the question. He had named Friday because he perceived there was no item of importance upon the order for that day.<sup>28</sup>

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On motion of Mr. *Neilson*, seconded by Mr. *Cameron*,

Committee of whole, to-morrow, on petition of William Walker and others.

*Resolved* — That this House will, on *Friday* next, resolve itself into a Committee of the whole House, to take into consideration the Petition of *William Walker*, and others, inhabitants of the City of *Quebec*, presented to the House on the 16th day of *June*, last.

Another subject to which he wished to draw their attention, was with reference to Election contests for that part of the Province heretofore called Lower Canada. In a matter which so nearly concerned the privileges, the honour and character of the house, it was certainly unbecoming that so much delay should take place. There had been a difference of opinion as to whether the law of Lower Canada relating to trial of controverted elections was still in force. He did not think it necessary to enter into any discussion upon the subject, he would merely move that the proceedings in cases of contested Elections in that part of Canada, heretofore constituting the province of Lower Canada, be conducted according to the provisions of the Statute 4 Geo. 4 chap. 31.<sup>29</sup>

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On motion of Mr. *Neilson*, seconded by Mr. *Christie*,

House to go into Committee of whole on Thursday next on proceedings of Lower Canada on controverted elections.

*Ordered* — That the order of the day, for the House in Committee, to consider the orders adopted by the late House of Assembly of *Lower Canada* for regulating its proceedings, in cases of contested elections in

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that Province, lost by the adjournment of the House on *Friday* last, be revived, and that this House will, on *Thursday* next, resolve itself into the said Committee.

House in Committee  
of whole on Court  
of Requests Law.

The order of the day, for the House in Committee, to take into consideration the state of the Law relating to the Courts of Requests, in that part of the Province formerly called *Upper Canada*, being read.

The House accordingly resolved itself into the said Committee.

Mr. McLean took the Chair of the Committee.<sup>30</sup>

Mr. Atty. Gen. Draper rose and said that he had given notice at an early part of the Session, that he should bring under the consideration of the House, the laws now in force in that part of Canada heretofore called Upper Canada, relating to Courts of Request; and he was impelled to this step in consequence of the reiterated complaints which had been made against those Courts, (and which had come under his (Mr. Draper's) notice in the performance of his official and professional duties) that they had failed to attain those ends which the Legislature had in view when the Act was passed for their establishment. It was not his intention at present to occupy the time of the Committee with an exposition of the details of the measure which he proposed to substitute in the place of the law now in existence. If the House should concur with him in thinking that some amendment was necessary, the consideration of those details would naturally arise at a future day; all that he was desirous of doing at present was to establish the position that those Courts were capable of improvement. He would first mention that the question had been brought under the notice of the Government two or three years ago, in consequence of an hundred complaints, from different sections of the country. The hon. and learned gentleman opposite (Mr. Baldwin) could bear witness to this particular. — He would go farther back than the period of that hon. gentleman's connexion with the Government extends; and he (Mr. Draper) had had at that early period of the establishment of the Court, as many as thirty applications submitted to him at one time, for relief from the improper decisions which had taken place in that Court. In some cases the Commissioners had acted in the very teeth of the Statute; sometimes in opposition to every principle of justice; sometimes taking on themselves to decide points which Courts of a higher jurisdiction would hesitate to decide upon. They constituted themselves a sort of general court for legislation, and not for the administration of the law. Such was the nature of the complaints which the country preferred against the operation of Courts of Request. He would not do the Commissioners of that Court the injustice to suppose that those complaints were in all cases well founded. He would be sorry to have it supposed that he would, at once, endorse all complaints. They were all well aware that an unsuccessful suitor is very apt to find cause of complaint, not in the weakness of his own case, but in the (as he imagines) wrong decision of the Court. But at the same time it would be right to observe, that when the very constitution of the Court is considered, and the great number of the persons who must necessarily be engaged in them, it was almost impossible to expect that the Government could find persons in all the remote sections of the Province who were perfectly qualified for presiding over courts of that description, to whom the Government could entrust even (sic) so limited a jurisdiction. In the year 1838 there were one hundred and seventy-three Courts, and one thousand and sixty eight Commissioners. He believed that hon. gentlemen would agree with him that it would be a difficult matter to find nearly eleven hundred persons who might properly be entrusted with the administration of justice in those Courts. Reasoning upon general principles, even were there to be a large number of vacancies at this moment, the filling them up would be found to be a matter of serious difficulty, and one involving a serious responsibility. It had been a matter of considerable difficulty to find persons to fill the situations of Judges of the District Courts, though fewer in number; and where the Judge is not permitted to indulge discretionary powers, but is bound down by positive rules of law. He believed the experience of hon. gentlemen, speaking as a matter of general reflection, would bear him out in saying that in some cases those appointments had not been successful.<sup>31</sup>

We are now acting under a law which was passed at a period when it was more difficult to find persons of experience and ability to preside over the courts; and let hon. gentlemen reflect, how many thousand cases there are in which people go into those courts to seek for justice, and there is nothing more likely to create a discontented (sic) feeling than when people find that in a tribunal into which they are obliged to go for justice, there are not persons qualified to transact the business of the courts. One of the arguments in favour of these courts has always been, and I admit it is one which has much weight, that while they afford an expeditious remedy in cases of trifling debts, they are at the same time attended with little expense. But it must be recollected that it is not simply the cheapness and expedition of obtaining judgment that is to be regarded, but you should be well assured that the judgment is a proper one, and that you have such a decision as may be relied upon. If, therefore, I can establish that the complaints against these commissioners have been well founded, I shall then have made



out my case. — I will state one or two leading features of these complaints. I recollect one case, and rather an amusing one. There had been committed one of those breaches of moral and social rights which sometimes occur to the disgrace of those who are concerned in them — a case of seduction. One would have supposed that this was one of those cases which could not be tried under head of debt or contract. The commissioners of the court, however, thought differently. They tried the case in two shapes — one on behalf of the Doctor for his bill, and the other on the part of the father for the loss of the daughter's services. And I will mention another case, where a man had lost certain property under such circumstances as would naturally give rise to an action of Trover. The commissioners of the court, however, in their wisdom, determined that it was a case which came under their jurisdiction, and they gave judgment accordingly. Besides all this it was strongly contended that the Court of Requests might hold jurisdiction in cases of tythes. I could multiply cases upon cases, did I not know that there are many hon. (sic) gentlemen in this house of the legal profession, who can bear testimony to the extraordinary proceedings of some of the Commissioners of these courts. I do not wish to be understood as charging upon them a desire of doing wrong; and I would not do justice to my own feelings were I not to add that there are many cases also, where the gentlemen presiding over those courts have given great satisfaction. I could mention many instances (were it not invidious to do so) such as I have last alluded to. The reason of this is, that in such cases the government have been fortunate in finding persons of uprightness and intelligence, which it is impossible should be the case, to a very great extent, in a system of jurisprudence, which requires a thousand or more commissioners; this is what we should first strike at. Do away with the necessity of employing so large a number; and we shall have the matter more tangible, and more within our reach; but where you find a Court of Request, with three or four commissioners presiding, there is a division of responsibility which very often amounts to no responsibility at all. Unless they subject themselves to an action in such a manner as is tangible, however improperly they may act, however ruinous may be their judgment, unfortunately it must stand, the evil is incurable, there are no means of redress. I have known another instance of flagrant abuse, where a merchant in extensive business was appointed a commissioner of a Court of Request; he had a vast number of debts which came within the jurisdiction of the court, the first step he took was to obtain notes from all persons who owed him; so far all was right, the next thing he did was to transfer all these notes to his own clerk, and then to employ a bailiff at a per-centage, to serve the parties with summonses; and he himself gave judgment upon them. (Hear, hear, hear.) But it is only necessary to show that such cases can occur, to convince this house that the matter requires amendment. When this circumstance became known, he was of course promptly removed. It would be out of place if I were now to enter into the details of the measure which I trust the committee will at a future day give me an opportunity of bringing under their notice. I will now call the attention of the committee to the only remaining point which I desire to bring under their notice, at the present moment; and whatever the other alterations may be, this is one to which my attention has been particularly drawn, namely: the payment of the officer presiding not by fees, but by fixed salary, favour would not, then, be shown to these who brought most cases into court, as has been too frequently the case heretofore. I do not think any system more false, and more prejudicial to the pure and faithful administration of justice, than the payment of the services of a judge by fees. A charge in this respect is one of those reforms which, of all others, is most to be desired. Now so far from proposing an increase of expenditure I believe that the adoption of the amendments which I shall propose will have the effect of lessening it. In order to show to this committee the amount of costs accruing upon business in those courts, I will state, from returns which I am in possession of, for the Year 1838 the costs exceeded £10,000. The remedy I would propose is to establish a graduated scale of fees, according to the amount of the demand sued for; let these fees be paid in the first instance into the hands of a public officer, to be placed in the treasury of the District, let the Judge who shall be appointed to preside in each court be paid a fixed salary from the treasury, and let it be such as to induce a Barrister or some other person equally competent to undertake the office. I have now endeavoured, as briefly as possible, to explain to this committee the reasons which induced me to make this motion. — I have abstained from entering into particulars, and only ask the committee to declare whether they concur with me in saying that it is proper there should be some amendment in the present law upon the subject.<sup>32</sup>

Mr. Merritt said the hon. gentleman had made out a strong case, but he calls upon this committee to do what he (Mr. Merritt) thought required mature consideration, viz. to pay the Judges of the Court of Request by salaries out of the District Treasury. He (Mr. M.) would certainly be opposed to any resolution of this nature. In his part of the country the operation of the law which regulates the Courts of Request was universally approved of. There were no

complaints. It was called the poor man's court. Complaints might justly (sic) be made against the courts of a higher jurisdiction, for in them the costs were excessive. He could mention a case where upon collecting £50, £150, of fees had been demanded and paid, (hear, hear. Who was the defendant?) It was not myself. I was fixed in another case in which I was bail for a contractor upon the Welland Canal. The case I here referred to was not my own. He (Mr. Merritt) had paid particular attention to the operations of the system upon which the Courts of Request were founded as early as the year 1832, upon their first establishment. He had also taken pains to ascertain the operations of similar courts in the United States. (The hon. gentleman here read extracts from letters which he had received upon the subject.) He did not think it right that the system should be condemned hastily. It was a cheap method of obtaining justice, and he (Mr. Merritt) believed there were no well founded complaints which were sufficient to justify that house in making any material alteration in the law. The hon. and learned gentleman states that persons cannot be selected who are fit to be entrusted with the management of matters which come within the jurisdiction of their Court. He (Mr. Merritt) would repudiate such an idea — he would not admit it for a moment. It was an imputation which that hon. and learned gentleman was not justified in, casting upon the commissioners of the court. Instead of confining the jurisdiction of the Court to £10 he would extend it to £50. If the hon. and learned gentleman would propose a plan for amalgamating the District Court with the Court of Request, he would readily give it his support: He (Mr. Merritt) felt every disposition to go with the hon. and learned gentleman in establishing any tribunal whatever, provided the costs were not increased, and provided the salaries of the officers of the Court were in all cases paid by fees. Otherwise those fees would never be collected: they would be like Militia fines, insufficient to reimburse the Treasury for the expense of the Courts Martial which sit to determine those fines. If people choose to go to law it is right that they should pay law expenses, and those Courts whose expenses were least were in all cases to be preferred.<sup>33</sup>

**Mr. Johnston** said he was desirous that the Court of Requests law should be amended, but he could not agree with the hon. gentleman who had last spoken, that it was desirable to have cheap law. He believed that the paltry costs of that court had been the cause of creating a hundred suits where under other circumstances not one would have been instituted. He (Mr. Johnston) would desire that the costs should be more than they are at present. — He had been in the habit of attending these Courts, and he could mention some amusing decisions. —<sup>34</sup> Mr. Johnston after relating some droll anecdotes at variance with the doctrine of these verbose advocates of a defective system, left the hon. gentlemen to the enjoyment of their own opinions.<sup>35</sup>

**Mr. Roblin** — I certainly must say the hon. gentleman who has just sat down has paid a high compliment to his constituents. I certainly did expect that the hon. (sic) and learned Attorney General would have shown us that some glaring abuses existed in the Courts of Request; now it is well known that no persons go to law unless there is a disagreement between them, and very often both parties are dissatisfied with the decision: it is not surprising therefore that complaints should be made; but the hon. and learned gentleman states as an objection that there are such a vast number of judges in these courts. It must be recollected that the commissioners of these Courts are not only judges but juries also. I believe that the Courts generally speaking give satisfaction; indeed I am convinced that this is the case. The hon. and learned gentleman has produced but two cases where improper judgements have been given, and those cases arose rather from misunderstanding than from any ill intentions on the part of the commissioners. I am only astonished that out of so great an amount of business as those Courts have before them, so few grounds of complaint should have arisen.<sup>36</sup>

**Mr. Hincks** expressed his great surprise that what was so universally complained of, in that part of the country which he had the honour to represent, should have found any defenders in that house. (hear, hear.)<sup>37</sup>

**Sir A. MacNab, Capt. Steele, and Col. Prince** who is himself a Commissioner, respectively spoke with some effect in favour of the motion, which was carried unanimously, — the question of concurrence meeting with the same favourable reception.<sup>38</sup>

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and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. McLean reported, that the Committee had come to a



resolution, which resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth : —

*Resolved* — That the Laws now in force, constituting and regulating the Courts of Request, in that part of this Province formerly *Upper Canada*, requires amendment, so as to render it unnecessary to employ so large a number of persons to discharge the duties of Commissioners in those Courts — to introduce the principle of substituting payment by salary instead of by fees — and generally to improve the practice of those Courts.

*Ordered* — That Mr. Attorney General *Draper* have leave to bring in a Bill to repeal the Laws now in force in that part of this Province formerly called *Upper Canada*, for the recovery of small debts, and to make other provision therefor.

He accordingly presented the said Bill, and the same was received and read the first time, and,

*Ordered* — That the said Bill be read this day week.

*Ordered* — That five hundred copies of the said Bill be printed for the use of the members of this House.

A Bill to require Justices of the Peace to make returns of convictions and fines, was, according to order, read a second time.

*Resolved* — That the said Bill be referred to a Committee of five members to report thereon, with all convenient speed ; with power to send for persons, papers, and records.

*Ordered* — That Mr. Attorney General *Draper*, Mr. *Prince*, Mr. *Baldwin*, Mr. *Merritt*, and Mr. *Boswell*, do compose the said Committee.

The order of the day for the second reading of the Bill to establish a Company by the name of the "*Sydenham Mountain Road Company*," being read,

Mr. *Smith* moved, seconded by Mr. *Roblin*,

That the seventy first rule of this House be dispensed with, as relates to this Bill.

The question having been put upon the said motion, a division ensued, and it passed in the negative.

The order of the day for the second reading of the Bill to enable members of the Legislative Assembly, for places within that part of the Province formerly constituting the Province of *Upper Canada*, to vacate their seats, in certain cases, and for other purposes, being read,

*Ordered* — That the said order of the day be postponed until *to-morrow*.

The order of the day for taking into consideration a motion made by Mr. *Prince*, on *Monday* the 28th of *June*, last, viz : That the grounds and reasons of complaint set forth in the Petition of divers electors of the County of *St. Maurice*, if true, are sufficient to make void the election of *Joseph Edward Turcotte*, Esq., being read,

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*Ordered* — That the said order of the day be postponed until *Thursday* next.

The order of the day, for the House in committee, to consider the expediency of amending the Act now in force in that part of this Province formerly called *Upper Canada*, entitled "*An Act to ascertain and provide for the payment of all just claims arising from the late Rebellion and invasion of this Province*," by enlarging the time for the sittings of the Commissioners to be appointed under and by virtue of that Act, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Delisle* took the chair of the Committee, and after some time spent therein,

Bill for recovery of Small Debts brought in and read, and ordered to be printed.

Bill for returns of convictions and fines from Justices, read second time and referred to select committee.

Order of day for 2nd reading Seats Vacation Bill postponed.

Do, for considering a motion on *St. Maurice* contested election, postponed.

House in Committee of whole on Act for payment of claims.



Mr. Speaker resumed the chair,

And Mr. *Delisle* reported, that the Committee had come to a Resolution, which Resolution was again read at the Clerk's Table, and agreed to by the House, and is as followeth : —

Resolution reported.

*Resolved* — That the Act now in force in that part of this Province formerly called *Upper Canada*, entitled "*An Act to ascertain and provide for the payment of all just claims arising from the late Rebellion and Invasion of this Province*," requires to be amended by enlarging the time for the sittings of the Commissioners to be appointed under and by virtue of that Act.

Bill to amend the above Act brought in and read.

*Ordered* — That Mr. *Prince* have leave to bring in a Bill to amend and enlarge an Act of the Legislature of the late Province of *Upper Canada*, entitled "*An Act to ascertain and provide for the payment of all just claims arising from the late Rebellion and Invasion of this Province*."

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and,

*Ordered* — That the said Bill be read a second time this day week.

Order of day for Committee of whole on Game Law, postponed.

The order of the day, for the House in Committee, to take into consideration the expediency of amending the Act now in force in that part of this Province formerly called *Upper Canada*, entitled "*An Act to amend an Act passed in the fourth year of the Reign of His Majesty King George the fourth, entitled 'An Act for the preservation of Deer within this Province,' and to extend the provisions of the same, and to prohibit hunting and shooting on the Lord's Day*," by altering the time for the commencement of *Woodcock* shooting, from the first day of *September* to the fifteenth day of *July*, in every year, being read,

*Ordered* — That the said order of the day be postponed until this day week.

House in committee on Ordinances relating to Board of Works.

The order of the day, for the House in Committee, to take into consideration the expediency of repealing an Ordinance of the Legislature of that part of this Province heretofore called *Lower Canada*, intituled "*An Ordinance to establish a Board of Works in this Province*," and another Ordinance of the same Legislature, intituled "*An Ordinance to amend and render permanent the Ordinance establishing a Board of Works in this Province*," and of making provision for the establishment of a Board of Works for the Province of *Canada*, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Derbshire* took the Chair of the Committee, and after some time spent therein.<sup>39</sup>

Resolution reported.

Mr. Speaker resumed the chair,

And Mr. *Derbshire* reported, that the Committee had come to a resolution, which he was directed to submit to the House whenever it shall be pleased to receive the same.

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Mr. Speaker having put the question —

Is it the pleasure of the House to receive the report of the Committee ?

The House divided, and the names being called for, they were taken down as followeth : —

YEAS.

<i>Armstrong,</i>	<i>Draper, Hon. W.H. Johnston,</i>	<i>Small,</i>
<i>Boswell,</i>	<i>Dunn, Hon. J. H. Jones,</i>	<i>Smith, (Front.)</i>
<i>Buchanan,</i>	<i>Dunscomb,</i>	<i>Killaly, Hon. H.H. Smith, (Went.)</i>
<i>Day, Hon. C.D. Durand,</i>	<i>Merriitt,</i>	<i>Thorburn,</i>
<i>Delisle,</i>	<i>Harrison, Hon. S.B. Prince,</i>	<i>Watts,</i>
<i>Derbshire,</i>	<i>Hincks,</i>	<i>Quesnel,</i>
<i>De Salaberry,</i>	<i>Holmes,</i>	<i>Simpson,</i>
		<i>Woods. — 27.</i>

## NOES.

<i>Aylwin,</i>	<i>Berthelot,</i>	<i>Noel,</i>	<i>Viger, Hon. D.B.</i>
<i>Baldwin,</i>	<i>Boutillier,</i>	<i>Raymond,</i>	(7).

So it was carried in the affirmative,

And the report was received, and the resolution was again read at the Clerk's Table, as followeth : —

Resolution.

*Resolved* — That it is expedient to repeal a certain Ordinance of the Legislature of the late Province of *Lower Canada*, passed in the second year of Her Majesty's Reign, and intituled "*An Ordinance to establish a Board of Works in this Province*;" and to inquire into the practical operation of the Board of Works since its establishment, and the expense attending the same.

Mr. Solicitor General *Day*, moved, seconded by the Honourable Mr. *Harrison*,

That the House doth concur with the Committee in the said Resolution.

House concurs in Resolution.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative, and,

*Resolved* — That this House doth concur with the Committee in the said Resolution.

Board of Works Bill brought in, and read.

*Ordered* — That Mr. Solicitor General *Day* have leave to bring in a Bill to repeal certain Ordinances therein mentioned, and to establish a Board of Works in this Province.

He accordingly presented the said Bill to the House, and the same was received and read, for the first time, and,

*Ordered* — That the said Bill be read a second time on *Wednesday*, the 14th instant.

Names taken down.

Several members having retired, the names of those present were taken down, as followeth : —

Mr. Speaker,

Mr. *Armstrong*, Mr. *Baldwin*, Mr. *Boswell*, Mr. *Boutillier*, Mr. *Buchanan*, Honourable Mr. *Day*, Mr. *Delisle*, Mr. *Dunscomb*, Mr. *Hincks*, Mr. *Johnston*, Mr. *Morris*, Mr. *Prince*, Mr. *Quesnel*, Mr. *Raymond*, Mr. *Simpson*, Mr. *Small*, Mr. *Henry Smith*, and the Honourable Mr. *Viger*.

And at ten minutes past *ten* o'clock at night, Mr. Speaker adjourned the House for want of a Quorum.

### Appendix, 6 July 1841.

#### ((Notice of Proposed Motions.))

Sir A. MacNab gave notice, that he would call the attention of Ministers to the Burlington Bay canal, with a view of eliciting whether it was their intention to adopt any measures with respect to that work, which was in a most defective state.<sup>40</sup>

Mr. *Harrison* has given notice of a general Bill to naturalize some thirty or forty persons, who have prayed for that benefit, instend (sic) of each individual Member pushing on the claims of their respective friends.<sup>41</sup>

Mr. *Thorburn* has given notice of an Address for an advance of some £3000 or £5000, (for I could not hear the amount,) to cover the outstanding (sic) debts of the late House, and to defray the current expenses of the present Assembly.<sup>42</sup>

#### ((Withdrawn Motion re : Printing of House.))

Mr. *Morris* moved that the order of the day for receiving the report of the select committee to whom had been referred the subject of the printing of the house, which had been lost by the adjournment on Friday last, be revived, and that the report be received. In making this motion he was aware, he said, that he should be opposed by the hon. member for Lincoln. The

committee had given notice to all the printers in town to attend and give information before the committee; they all stated that the price which had been determined on was a reasonable one; but he believed that an individual from the city of Toronto had since stated that he would be willing to do the work for less; hence the opposition of the hon. member.<sup>43</sup>

**Mr. Thorburn** said he should oppose the motion (sic) as the hon. gentleman had very correctly supposed; but his opposition did not rest exactly on the ground predicated by the hon. gentleman. His objection had arisen before he saw the persons alluded to by the hon. member. It had come to his knowledge that a combination had taken place among the printers of this town: there had been a meeting of all the trade at which meeting it was agreed that one only should put in a tender for doing the work, with the understanding that it should be divided amongst them. He (Mr. Thorburn) was well aware that the work could be done at a saving to that house of at least two thousand dollars; it became therefore an important consideration whether the house would allow a band of individuals to conspire together, and to obtain from the house a large sum of money over and above what the work was really worth. He thought it should be thrown open to competition, and that tenders should be received anew. Another point was, that as the paper was furnished by the house, he thought it would be as well that it should be manufactured in this Province. He desired that it might be referred back to the committee, with instructions to receive new tenders.<sup>44</sup>

**Mr. Morris** said he would move for leave to withdraw the motion which he had made. And it was withdrawn accordingly.<sup>45</sup>

((Withdrawn Motion re: Usury Laws.))<sup>46</sup>

**Mr. Hincks** moved that a select committee be appointed to enquire into the operation of the existing usury laws &c. and in making the motion he observed that he had long been persuaded in his own mind that the usury law as at present in force, was productive of very serious injury to the true interests of the country. It was a question of very great importance, and he desired that the subject should be fully discussed; and to this end he would move for the appointment of a committee who were favourable to the measure in order that a report might be made and the subject be brought under the consideration of the house.<sup>47</sup>

**Mr. Johnston** said he would oppose this motion upon this principle, that the committee named by the hon. gentleman, consisted of the very last persons who ought to be appointed upon it, besides in order that a committee should be named by the hon. member it was necessary that a rule of the house should be rescinded and if a precedent were once set for dispensing with the rules of the house, they might expect that it would be followed up on all occasions. It was just as well that the Committee should be balloted for.<sup>48</sup>

**Mr. Harrison** said that on this subject he thought it necessary to inform the house that the Government had it in contemplation to submit a general measure to that house, which should embrace the subjects of Banking; of the regulation of the currency and of usury, (hear, hear,) these subjects were so closely connected that it was considered advisable to include the whole in one act. (Hear.) He had no wish to interfere with the motion of the hon. gentleman otherwise than by informing the house of the intention of the government.<sup>49</sup>

**Mr. Hincks** said he could only say he had heard with great satisfaction the announcement which the hon. and learned gentleman had made, and he would with much pleasure, with the permission of the house, withdraw his motion.<sup>50</sup>

The motion was withdrawn accordingly.<sup>51</sup>

((Withdrawn Motion on Administration of Justice, Gaspé.))<sup>52</sup>

**Mr. Christie** ... ((moved)) that a committee be appointed to inquire into the abuses in the administration of justice in the District of Gaspé —<sup>53</sup>

**Mr. Atty. Gen. Draper** rose and said it appeared to him that the hon. gentleman who had made this motion, had not duly considered its effect. He believed the hon. gentleman would find no precedent which would justify him in proposing that the house should take on itself an enquiry of this nature. At all events he would find that in all cases where a special committee was moved for to investigate a subject of this important description, the hon. member moving for such committee was at least bound to explain the grounds for such a proceeding. The adoption of a resolution of this kind by the house is to a certain extent an acknowledgement that abuses



do exist ; it would be in a manner prejudging the case. Although the appointment of a committee pledges the house to no particular course, yet it certainly did imply to the country at large that some grounds exist for going into an enquiry ; and he thought the more regular course for the hon. mover would be now to state to the house the grounds upon which he conceives the inquiry necessary, and why it is that he believes the only source of redress for any complaints which may exist, is from a committee of this house. But to ask for a committee without giving the house any information as to whether the law was in itself defective, whether individuals were guilty of malversation in office, was, in his opinion, asking what was altogether unreasonable. Before a committee is granted the hon. gentleman should put the house in possession of all the facts.<sup>54</sup>

**Mr. Cameron** would ask the hon. gentleman also whether there had been any petitions presented to the house complaining of the ill administration of justice in that district. If there was not, he doubted whether the house would be justified in adopting any such proceeding.<sup>55</sup>

**Mr. Christie** said he was anxious to avoid entering into the subject at this moment, as it related more particularly to the character of an individual who presides over the District Court in the District of Gaspé. He had been desirous that the case should not be prejudged by reason of anything which he (Mr. Christie) might say previous to the production of those proofs which he was prepared to lay before the committee. But as he had been called upon to state the reasons why he desired that a committee should be appointed, he would do so. From one end of the District to the other there is one shout of disapprobation of the conduct of that individual who presides over the administration of justice in that district. He is pronounced to be a man who is totally unfit and incapable to fill that important station ; he is one of those who are called the family compact in Upper Canada. (Hear, hear.) If the committee were appointed he would be prepared to lay before them proofs of the most flagrant dereliction (sic) of duty — proofs of the most flagrant abuses in the execution of the important duties which devolve upon him as judge — cases where the jurisdiction of the court had been unwarrantably exceeded — cases of costs having been taxed to an enormous amount, unparalleled in other parts of Her Majesty's dominions, these were facts which he was prepared to prove, and if he failed to prove them, he was willing that the committee should visit him with their severest censure. He had been anxious to avoid entering into these statements until the proper time arrived for producing to the committee the proofs ; but as he had been forced into making them before the house, he would not hesitate to declare, and he would assume all the responsibility of making such a declaration that the individual holding the office of judge in the District of Gaspé, was one who, by his habits of life was totally unfit for the situation ; he was a man habituated to habits of intoxication and drunkenness. By searching the journals of the House of Assembly of Lower Canada it would be found that articles of impeachment had been entered against him : how he had been absolved God only knows, he came back, however, and resumed the administration, not of justice, but of injustice. Depositions in his favor were gathered with the utmost assiduity from door to door, and he had understood that one gentleman has asserted that he had never seen the judge drunk ; however, when the particulars came out, it appeared that he had seen him only three times in ten years !<sup>56</sup>

**Mr. Aylwin** here called the hon. member to order ; he could not consent that detraction of this kind should be indulged in before an investigation of the facts could take place. The character of a high public functionary was a stake ; he was a gentleman with whom he (Mr. Aylwin) had had the honor of studying his profession (hear, hear) ; and although he (Mr. Aylwin) would not presume that the hon. member from Gaspé would make assertions in that house which he was unable to prove, yet he did hope that at least such statements would be deferred until after an investigation had taken place.<sup>57</sup>

**Mr. Christie** replied that the house would bear in mind that he had avoided alluding to the character of that individual until forced to do so. He (Mr. Christie) entertained no personal animosity against him, and it was with great reluctance that he felt himself compelled to take this course, that the complaints which exist within that district might be expressed. He (Mr. Christie) resided at a distance of seventy-five miles from the residence of the individual referred to, and he had no communication or connexion with the court over which he presides, and it was only in compliance with the positive injunctions of his constituents that he now brought the subject under the notice of the house. In order to give that house a specimen of the way in which it was attempted to gloss over the character of this individual, he would mention a circumstance which occurred in that district. A packed jury, the foreman of which was a clerk in a mercantile establishment, drew up a statement expressing their satisfaction with the manner in which the business of the court was conducted.<sup>58</sup>

**Mr. Hamilton.** — It is not true. (Order, order).<sup>59</sup>

**Mr. Boswell** said he hoped that an end would be put to observations of this nature. He did not know how far the hon. member for Gaspé could be considered in order in making the observations he had made but he was quite sure the hon. gentleman from Bonaventure was not in order. Such language as he had used was disgraceful to the house.<sup>60</sup>

**Mr. Harrison** said he could not refrain from making one observation. It is well known that the individual alluded to is a public functionary, acting under the appointment of the Executive ; the Executive is therefore, bound to take cognizance of all complaints which may be made against him. He (Mr. Harrison) did not consider that it was a case which formed a proper subject for the investigation of a select committee of that house ; it should first be shown that there were no other means of redress. He maintained that there were ample means, without bringing the matter before that house at all : he thought quite unnecessary to appoint a committee, the effect of which would be to cast an imputation upon the character of that gentleman.<sup>61</sup>

**Mr. Thorburn** said he believes the hon. gentleman had taken an improper course in bringing the matter before the House of Assembly. If the individual alluded to behaves in an improper manner, it is the business of the grand jury for the district to make a representation of his conduct. The hon. gentleman had spoken of a grand jury the foreman of which was a person in humble station ; the reason of that was obvious ; he believed it was a matter of notoriety that in that part of the province the population consists of a few merchants and fishermen ; as a matter of necessity, therefore, the grand jury must be composed of that class of persons who are most intelligent, and he believed that if the grand jury such as they were had acquitted the judge of all blame, he must stand exonerated until proved guilty by some higher authority. He did not think that house ought to entertain the motion ; it was contrary to all precedent.<sup>62</sup>

**Mr. Atty. Gen. Ogden** wished to be informed whether the hon. gentleman, in the application which he had made to that house, was fortified with any petitions from the inhabitants of that district.<sup>63</sup>

**Mr. Christie** said he was of opinion that it was competent for any member to ask that house to enter into an inquiry respecting any grievance which he might allege to exist.<sup>64</sup>

**Mr. Atty. Gen. Ogden.** — Then I am to understand there are no petitions.<sup>65</sup>

**Mr. Christie.** — It was not until redress had been refused by the Executive government that he had determined to make application to that house.<sup>66</sup>

**Mr. Black.** — The question now submitted to this house is one of more importance than at first may be conceived. An inquiry into the official conduct of a public functionary is by no means a matter of course, and on no occasion to be considered a trifling subject. The hon. gentleman from Gaspé has stated that he was not actuated by any vindictive (sic) motive ; he has asserted that he has brought the question forward at the urgent request of the body of his constituents ; the hon. gentleman had declared that no redress would be obtained from the executive government ; but he has not condescended to inform the house whether there were any petitions proceeding from the great body of the people of that district, or whether the complaint proceeded from an individual. I think, from the facts and my own knowledge, that I could point out the individual from whom the complaint proceeded.<sup>67</sup>

**Mr. Christie.** — I am that individual.<sup>68</sup>

**Mr. Black.** — I am glad that the few observations which I have made have drawn forth his confession. The house may now be able to decide how far that hon. member has proceeded in the disinterested manner which he professes. In point of fact, a complaint proceeding from him was submitted to the executive, and the answer was not so satisfactory as the hon. gentleman desired. It seemed certainly like a want of candor (to use the mildest term) on the part of that hon. gentleman not to state that the complaint had proceeded from himself, that he had not obtained the redress which he considered he was entitled to, and that therefore he now brought his complaint to that house. It would have been more manly if he had done so. But I think enough has fallen from the hon. gentleman to satisfy every person in this house that



the application which he has now made ought not to be entertained. I am one of those who think that when the character not only of a public officer, but of any individual is impeached, some means should be afforded to the individual (sic) accused of answering the charges which are brought against him, and of establishing his innocence. But it will be borne in mind that the hon. gentleman has stated to us that the subject has already been investigated by a former House of Assembly. He has brought forward no new charges. If hon. members will refer to the Journals of the House of Assembly of Lower Canada, they will find that the charges referred to were then investigated. If this gentleman has been once tried, the public should not be put to the expense and inconvenience of a second trial, nor should the individual himself be subjected to the necessity of being tried a second time for the same offence. It will be competent for the hon. gentleman to move an address to the Governor praying that the proceedings which took place upon the complaint which was made by the hon. gentleman to the executive should be laid before the House, and they would then be enabled to determine whether it was a case which required their interference.<sup>69</sup>

**Mr. Hamilton**—If on the present occasion I rise it is as representing the larger portion of the district of Gaspé, and I think it my duty on the present occasion to deny the statements which have been made by the hon. gentleman opposite. The hon. gentleman states that shouts of dissatisfaction have arisen from one end of the district to the other, and that the conduct of the judge of that district had been characterised as an administration, not of justice, but of injustice. I am sorry, Mr. Speaker, to be under the necessity of contradicting the statement altogether. Such is not the case. I am sorry on this occasion to be under the necessity of rising, as I stated before, as the representative of the larger portion of the district, to deny the fact. The hon. gentleman seems to forget what occurred only yesterday, that he himself when a candidate for the representation of Gaspé, in his address to the electors, dared to touch upon the subject of the administration of justice. (Cries of order, order.) I wish to shew to this House that he does not come forward as a disinterested friend of justice, but in order to gratify his own vindictive feelings. (Order, order, order.) We were told that the foreman of a grand jury had drawn up an address in favor of the judge and district. Now I am compelled to state what that address was. A certain petition in the hand of the hon. member (Mr. Christie) was circulated in the district of Gaspé to obtain signatures; when he found he could obtain none, he signed it himself and sent it to the head of the government. (Hear, hear, hear.) That petition, Mr. Speaker, was presented to the grand jury; what was the consequence? the foreman of the jury returned that the individual who had drawn up the petition was guilty of a gross libel upon the character of the judge. Was this a burst of indignation from one end of the district to the other? It was a burst of indignation against that hon. gentleman himself. (Order, order.) We have been told to refer to the journals of the House of Assembly, and what do we find? Petitions for the redress of grievances in the district of Gaspé, but no complaints against the judge of that district. What further do we find? That the court over which that hon. member presided, the Quarter Sessions, was complained of; and yet we are told by that hon. gentleman that his court alone was pure — that there only could people obtain justice. The hon. member has, moreover, thought proper to state, that the judge of that district is a notorious drunkard. I have known that gentleman for 25 years, and during all that time I have never once seen him intoxicated. Affidavits innumerable have been sent up to meet the ex parte statements of the disappointed individual, the unfortunate barrister who took so much pains to prefer his complaint. The hon. gentleman tells us he himself was the individual who complained. What was the result of that complaint? Immediately upon its being made, his Excellency considered he was bound to call upon the Judge for his defence. The Judge might well have said, already has my answer been submitted, already have I been exonerated (sic); but that was not the course he followed — I am accused of certain crimes and misdemeanors; I will again prepare my answer; I will again justify my conduct, and I will shew the individual who brings this accusation against me in his true colors, (hear, hear.) I do not wish to enter at large into this subject — it is not necessary; but the fact that the very individual of whom the hon. gentleman has complained from day to day, and from year to year, the very individual whom that hon. gentleman would desire to see at the bottom of the sea, that very individual has been returned as a member of this House by the largest portion of the District, (order, order, order.) It is perfectly immaterial what the result may be, whether the motion is adopted or not, but I shall say this, it seems to me that by consenting to this motion the House admits that there are grounds for entering into the investigation of the charges preferred by the hon. member. He would refrain from entering more at large into this subject at the present moment.<sup>70</sup>

**Mr. Small** said he thought it was very much to be regretted that this debate had occurred: it would not appear very creditable to that House which was the highest tribunal in the land.



Such grave charges as the hon. member for Gaspé had made against a high functionary, were worthy of investigation certainly, but he believed the better course would be to move for an address to the Executive praying for the production of all papers relating to the matter, and the case would then come more clearly and properly before them.<sup>71</sup>

**Mr. Viger.** — The hon. gentleman (sic), I conceive, has acted with the greatest delicacy in this matter; he says I am ready to make out a case whenever it will please the House to afford me an opportunity. We cannot at present say that the charges are untrue. We are not to presume that an hon. member would rise in his place and be guilty of uttering a calumny upon any individual. There is no man in the House who ought to say so. The responsibility of sustaining those charges — and they are enormous I admit — must rest with the hon. gentleman who makes them. Was it not possible that the Executive had been led into error in refusing the redress which the hon. gentleman sought? If so, he deserved to be applauded rather than censured for persevering in bringing the matter under the notice of that House. He (Mr. Viger) could mention many instances where people were deterred from bringing forward the complaints — where they were afraid of coming to Her Majesty's Government for justice. Instead of blaming the hon. gentleman, therefore, he should be applauded for his courage: every hon. member sitting in that house knew full well that it was to men of courage and determination that they owed the liberties and the privileges which they enjoyed, of sitting and legislating in Parliament.<sup>72</sup>

**Atty. Gen. Ogden** said that he could not agree with what had fallen from the hon. gentleman (Mr. Viger) in asserting that it was the privilege of any member rising in his place to ruin the character of a public functionary.<sup>73</sup>

**Mr. Christie** deprecated the expatiating upon matters which were not properly before them for discussion. The question was would there be any inquiry granted or not.<sup>74</sup>

**Atty. Gen. Ogden.** — The question is rather, whether the hon. gentleman is fortified with any petitions to support his application. The hon. gentleman states that the responsibility of taking the step he proposes will rest with him; sir, the responsibility will rest with all of us. Sir, I will not take the word of any hon. member, however responsible he may be, as authority for granting an application of this kind; I require more than the mere *ipse dixit* of any hon. gentleman in such a case as the present, when an individual standing in the high character of a Judge is accused. The hon. Gentleman from Richelieu may laugh, and no doubt he is sincere when he states that it is the right of any hon. member to move for the appointment of a committee to investigate the conduct of any individual. There is no doubt the power exists, but it is dangerous to exercise that power on all occasions. What will be the consequences of such a proceeding, the committee will be appointed — witnesses will be examined — a report will be made — the house as a matter of course will concur in it, and resolutions will follow for an address to the crown for his removal; and all this without affording the individual accused the opportunity of exculpating himself. It is a course of proceeding which I can never consent to; its inconvenience has been felt in England; and I should be very glad that the day would arrive, and I trust it is not far distant, when we shall have an act similar to the one in England, that when a party is arraigned for trial before the House of Commons, he shall appear at the bar, and have an opportunity of cross-examining the witnesses who are brought against him. I allude to the case of Sir Jonah Barrington. A list of witnesses, as in the case of a contested election, was given to him, and he was permitted to enter into his defence in the same manner as in a court of law. This is what I call justice. If an opposite course from this has been hitherto pursued from necessity, for God's sake let us discontinue it. Although the House has the power of proceeding in this arbitrary manner, the expediency of the thing has not been made manifest. I should have been better satisfied if the hon. gentleman had produced petitions which would justify us in taking upon ourselves so important a step.<sup>75</sup>

**Mr. Hincks** said he concurred almost entirely in what had been advanced by the hon. gentleman, the Secretary of His Excellency, and the hon. gentleman who had just spoken. He believed the proper course was to apply, in the first instance, to the Executive; but when he heard the hon. gentleman from Gaspé stand up and declare that he had repeatedly applied to the Executive Government and that he had received only insult, he felt that there was some explanation necessary from the hon. gentlemen on the treasury benches. Hon. gentlemen must recollect that the system of Government has been altered; and consequently they would not be entitled to expect more ready access to the head of the Government with all matters of complaint, and a more speedy and certain redress of all abuses. Upon these grounds he would

be very much inclined to recommend that the hon. gentleman from Gaspé should withdraw his motion, and take the course which had been suggested by the hon. gentleman from the Third Riding of the County of York, and move for an address to His Excellency for the production of all papers connected with the case. The hon. gentleman would then come before the house better prepared to suggest such further steps as might be found necessary to be taken. If the papers are forthcoming, hon. gentlemen will have an opportunity of arriving at a correct judgment before entering upon so important a step as that proposed by the hon. gentleman. With regard to the observations made by the hon. gentleman from Bonaventure, it is to be recollected that that gentleman is connected with the individual against whom these accusations are made. There has been a good deal of recrimination indulged in, and I hope it will now be at an end. I cannot at present vote for the motion.<sup>76</sup>

**Mr. Baldwin** said he certainly thought a great deal which had fallen from the hon. gentleman opposite (Mr. Ogden) deserved attention. Many observations which he (Mr. Baldwin) had intended to make had been anticipated by the hon. gentleman from Oxford. But instead of withdrawing the motion he thought the house would agree with him in postponing the consideration of the question, until Friday next. It appeared the matter had been under the consideration of a former Governor and a former Council; and without intending to pay a very great compliment to the hon. gentlemen opposite who form part of the present Council, he would say this, that he would be better satisfied that the matter should come before them; for he would not hesitate to say that he was not entirely satisfied with the manner in which the affairs of the Executive department of the Government had been administered on former occasions. (Hear, hear.) With regard to the necessity for petitions being brought before the house he would observe that this is not the just complaint which they had heard respecting the administration of justice in the District of Gaspé; there had been petitions before the House of Assembly in Lower Canada, that he conceived, was quite sufficient. They could not, however, proceed too carefully; and he trusted therefore, the consideration, on the subject would be postponed.<sup>77</sup>

**Mr. Daly** observed that he believed the hon. gentleman from Gaspé himself, was in possession of all the documents relating to the case.<sup>78</sup>

**Mr. Boswell**, my own opinion is that the sooner the House takes action upon the matter the better, and I am utterly opposed to any postponement. Sir I am willing to admit that questions of this kind must arise, and that it sometimes becomes necessary, that a body having the high power which this hon. body is invested with, should enquire into the course of the administration of justice; but I trust that on all occasions the House will exercise their power with becoming dignity; and I do not hesitate to say that it would be exceedingly undignified to enter into the consideration of this subject, upon a motion such as that which had been made. The hon. gentleman from Gaspé comes down to this House, and tells us the administration of justice in the District which he represents is exceedingly bad, that an eminent Judge who presides in that District is in the habit of going into Court in a state of intoxication, and that the people of the District are indignant to an extent almost impossible to express. How is he borne out in this assertion? Have the people sent a signed petition? Without imputing to the hon. gentleman any thing improper, I would ask, where is our information upon which to found a proceeding, which would contribute to bring the administration of justice into disrepute. The more grave and serious the accusation, the more necessary is it that the House should be well informed before they take the first step in the matter. I shall, decidedly, vote against the motion.<sup>79</sup>

**Mr. Christie** said the House must certainly acquaint him of any intention of forcing upon the House the consideration of the subject. His object was now in part accomplished by having drawn to the attention of the Gentlemen of His Excellency's Council to the matter, he would therefore, readily move for leave to withdraw the motion.<sup>80</sup>

**Mr. Merritt** said he thought the hon. gentleman was correct in withdrawing his motion. He had made a grave accusation, which that House could not reject as destitute of foundation, as it must be supposed that that hon. gentleman has the confidence of the County which he represents; but the question was now brought under the notice of the Administration whose bounden duty it was to enquire into all abuses in the administration of justice (hear, hear) and he thought it should be left in their hands. This he thought was the correct course to be pursued.<sup>81</sup>

**Attorney General Draper** said if he understood the hon. gentleman, the mover of the resolution, that there was no new complaint, since the old one had been fairly answered, he did not consider that the question therefore was fairly before them, and he thought that they were not bound to take notice of it.<sup>82</sup>

The motion was withdrawn.<sup>83</sup>

Footnotes — 6 July 1841.

1. The debate on this matter was reported in : KINGSTON CHRONICLE, 10 July 1841 ; MONTREAL GAZETTE, 9 July 1841.

2. KINGSTON CHRONICLE, 10 July 1841.

3. IBID.

4. IBID.

5. IBID.

6. IBID.

7. IBID.

8. The debate following this motion was reported in : KINGSTON CHRONICLE, 10 July 1841 ; EXAMINER, 14 July 1841, an edited version of the report found in KINGSTON CHRONICLE, 10 July 1841 ; BRITISH COLONIST, 14 July 1841 ; MONTREAL GAZETTE, 9 July 1841, which contains both a report of the debate and a commentary ; WESTERN HERALD, 21 July 1841. The report of the MONTREAL GAZETTE does not coincide with the other reports in terms of speakers mentioned, therefore it was not possible to establish the probable speaking order by merging lists as found in all the papers. For this reason, the order of speakers was listed by merging the lists of all papers except that of the MONTREAL GAZETTE, and then the GAZETTE's list was added to the end. There is no internal evidence which can justify or invalidate this list ; it is purely arbitrary. The GAZETTE's speakers are Turcotte and Derbshire.

9. KINGSTON CHRONICLE, 10 July 1841.

10. IBID.

11. IBID.

12. BRITISH COLONIST, 14 July 1841.

13. KINGSTON CHRONICLE, 10 July 1841.

14. IBID.

15. IBID.

16. MONTREAL GAZETTE, 9 July 1841.

17. IBID. The after math of this exchange was : "In the evening, Col. de Salaberry called on Mr. Turcotte, with a demand for explanation, when that gentleman furnished a written apology for having alluded to Mr. Derbshire so pointedly, though retaining his language against the correspondent in question."

18. The debate ensuing was reported in : KINGSTON CHRONICLE, 10 July 1841 ; EXAMINER, 14 July 1841, an edited version of the report found in KINGSTON CHRONICLE, 10 July 1841 ; BRITISH COLONIST, 14 July 1841 ; MONTREAL GAZETTE, 9 July 1841, containing both a report of the debate and a commentary on it.

19. KINGSTON CHRONICLE, 10 July 1841.

20. IBID.

21. IBID.

22. IBID.

23. IBID.

24. IBID.

25. IBID.

26. IBID.

27. IBID.

28. IBID. Neilson's remarks are also reported in BRITISH COLONIST, 14 July 1841.

29. KINGSTON CHRONICLE, 10 July 1841.

30. The debate on this matter was reported in : KINGSTON CHRONICLE, 10, 14 July 1841 ; BRITISH COLONIST, 14 July 1841 ; EXAMINER, 14 July 1841, identical to the report found in KINGSTON CHRONICLE of 10, 14 July 1841 ; ST. CATHARINES JOURNAL, 22 July 1841, copying from BRITISH COLONIST, 14 July 1841 ; LE CANADIEN, 14 July 1841 ; WESTERN HERALD, 21 July 1841 ; MONTREAL GAZETTE, 9 July 1841.

31. KINGSTON CHRONICLE, 10 July 1841.

32. KINGSTON CHRONICLE, 14 July 1841.

33. IBID.

34. IBID.

35. BRITISH COLONIST, 14 July 1841.

36. KINGSTON CHRONICLE, 14 July 1841.

37. BRITISH COLONIST, 14 July 1841.

38. IBID.

39. Discussion about the Board of Works was reported in : BRITISH COLONIST, 14 July 1841 ; MONTREAL GAZETTE, 9 July 1841 ; WESTERN HERALD, 16 July 1841, copied from KINGSTON CHRONICLE, 7 July 1841 ; KINGSTON CHRONICLE, 7 July 1841. It is mentioned that Hincks spoke in favour of the measure, as did Solicitor-General Day.

40. ST. CATHARINES JOURNAL, 22 July 1841, copied from BRITISH COLONIST, 14 July 1841. This motion was also noted in KINGSTON CHRONICLE, 10 July 1841.

41. KINGSTON CHRONICLE, 10 July 1841. The EXAMINER, 14 July 1841 copied the KINGSTON CHRONICLE's report of this motion. The motion was also mentioned in BRITISH COLONIST, 14 July 1841.

42. IBID.

43. IBID.



44. MONTREAL GAZETTE, 9 July 1841.
45. IBID.
46. This debate was reported in: EXAMINER, 14 July 1841, identical to KINGSTON CHRONICLE, 10 July 1841; KINGSTON CHRONICLE, 10 July 1841; BRITISH COLONIST, 14 July 1841; MONTREAL GAZETTE, 9 July 1841.
47. KINGSTON CHRONICLE, 10 July 1841.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. Reports of this debate are found in: LE CANADIEN, 12 July 1841; BRITISH COLONIST, 14 July 1841; and a commentary is found in MONTREAL GAZETTE, 9 July 1841. A report in the KINGSTON CHRONICLE, 10 July 1841 was copied by: LE CANADIEN 16, 19 July 1841; EXAMINER, 14 July 1841; and MONTREAL GAZETTE, 20 July 1841.
53. KINGSTON CHRONICLE, 10 July 1841.
54. IBID.
55. IBID.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. IBID.
65. IBID.
66. IBID.
67. IBID.
68. IBID.
69. IBID.
70. IBID. According to MONTREAL GAZETTE, 12 July 1841, "Mr. Christie ... made use of some expressions, which Mr. Hamilton interpreted into a charge of falsehood, and immediately struck Mr. Christie in the face." The report added: "The result has been a correspondence, through the instrumentality (sic) of Mr. Taschereau, on the part of Mr. Hamilton, and Mr. Prince, on that of Mr. Christie. What the result has been, no one seems to know — but the Mayor of Kingston, I have been informed, was out at an early hour this morning ((8 July 1841)) with the whole of his *posse urbis*, to put a stop to any intended *duello* on the part of these legislators, and even allowed his anxiety for the preservation of the public peace, to carry him beyond the municipal limits, which the law has given to brevet rank as a Magistrate. I do not vouch for this, but tell the story as it is currently reported. No damage has yet been done, as I have seen today both the parties concerned, but the whole affair is any thing but creditable."
71. IBID.
72. IBID.
73. IBID.
74. IBID.
75. IBID.
76. IBID.
77. IBID.
78. IBID.
79. IBID.
79. IBID.
80. IBID.
81. IBID.
82. IBID.
83. IBID.

Wednesday, 7 July 1841.

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Pursuant to the order of the day, at two o'clock, P. M., the House was called.

MEMBERS ABSENT.

Members absent at call of House.

Mr. *Borne*, (not yet taken his seat.)  
 Mr. *Cook*, (with leave.)  
 Mr. *Desrivieres*  
 Mr. *Duggan*, (sick.)  
 Mr. *Johnston*.  
 Mr. *Kimber*, (with leave.)  
 Mr. *McCulloch*.  
 Mr. *J. S. Macdonald*, (sick.)  
 Hon. Mr. *Moffatt*, (with leave.)  
 Mr. *Morin*.  
 Mr. *Henry Smith*.

House preceeds in trial of Niagara contested election.

The hour appointed for taking into consideration the Petition of *Robert Melville* and *John McBride*, electors of the Town of *Niagara*, complaining of the undue election and return of *Edward Clark Campbell*, Esquire, as member to represent the said Town of *Niagara*, in this present Parliament, being come,

The House proceeded to the appointment of a select Committee to try and determine the merits of said Petition.

The Sergeant-at-Arms was directed by Mr. Speaker to go with the Mace to the places adjacent, and require the attendance of the members on the business of the House ;

And he went accordingly.

And being returned, the House was called, and more than thirty members being present,

Mr. Speaker called upon the Petitioners, their Counsel or Agent, to appear at the Bar.

*J. H. Cameron*, Esquire, appeared at the Bar, as Counsel for the Petitioners.

Mr. Speaker called upon the Sitting Member, his Counsel or Agent, to appear at the Bar.

Mr. *Campbell*, Sitting Member for the said Town of *Niagara*, appeared at the Bar in his own behalf.

*J. H. Cameron*, Esquire, Counsel for the Petitioners, presented a list of witnesses in the case of the Petition of *Robert Melville* and *John McBride*, which was read by the Clerk, as follows : —<sup>1</sup>

Counsel for petitioners present list of Witnesses.

NAMES.	RESIDENCE.	NAMES.	RESIDENCE.
<i>Barney Broderick</i> ,	<i>Niagara</i> .	<i>John Harvey</i> ,	<i>Township of Niagara</i> .
<i>John Nesbit</i> ,	do.	<i>Andrew Brady</i> ,	<i>Town of Niagara</i> .
<i>Henry James Neston</i> ,	do.	<i>James Boulton</i> ,	do.
<i>Patrick M'Guire</i> ,	do.	<i>Robert Tune</i> ,	do.
<i>Henry Charles</i> ,	do.	<i>James Mahony</i> ,	do.
<i>George Robinson</i> ,	do.	<i>Wm. Edwards</i> ,	do.
<i>John Rogers</i> ,	do.	<i>Charles R. Loscombe</i> ,	do.
<i>Charles E. Kingsmill</i> ,	do.	<i>Henry Telford</i> ,	do.
<i>Wm. Copeland</i> ,	do.	<i>Thos. Cumston</i> ,	do.
<i>David Thompson</i> ,	do.	<i>James Patterson</i> ,	do.
<i>Andrew Heron, Jun.</i> ,	do.	<i>Wm. Richardson</i> ,	do.
<i>William Cayley</i> ,	do.	<i>William Calder</i> ,	do.

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List of Witnesses in  
behalf of Petitioners.

NAMES.	RESIDENCE.	NAMES.	RESIDENCE.
<i>Alexander Ross,</i>	Town of Niagara.	<i>John Claus,</i>	Town of Niagara.
<i>Bernard Roddy,</i>	do.	<i>Joseph Woodruff,</i>	do.
<i>John Cox,</i>	Township of do.	<i>Adam Brown,</i>	Township of do.
<i>Edward M'Muller,</i>	Town of do.	<i>John M'Farlane,</i>	do.
<i>James Ralston,</i>	do.	<i>Edward Molloy,</i>	Town of do.
<i>John Swinton,</i>	do.	<i>Daniel Ingleby,</i>	do.
<i>Walter Elliot,</i>	do.	<i>Joseph Clement,</i>	Township of do.
<i>George Varey,</i>	do.	<i>Patrick Finn,</i>	Town of do.
<i>Walter Dickson,</i>	do.	<i>Philip Cathaline,</i>	do.
<i>John Maneilly,</i>	do.	<i>John Law,</i>	do.
<i>Chester Culver,</i>	do.	<i>Samuel Street,</i>	Stamford.
<i>Wm. Blood,</i>	do.	<i>James Steel,</i>	Niagara.
<i>James Cummings,</i>	Chippewa.	<i>John Graham,</i>	do.
<i>George Yeo,</i>	Town of Niagara.	<i>Johnston Stewart,</i>	do.
<i>John Lyons,</i>	do.	<i>William Goire,</i>	do.
<i>John Bright,</i>	do.	<i>The Hon. J. Macaulay,</i>	Toronto.
<i>John Andrew,</i>	do.	<i>Philip Delatre,</i>	Stamford.
<i>Thos. Sampson,</i>	do.	<i>Jas. M'Gill Strachan,</i>	Toronto.
<i>Wm. Kingsmill,</i>	do.	<i>Richard Miller,</i>	Town of Niagara.
<i>Alex. Morrisson,</i>	do.	<i>John Barker,</i>	do.
<i>Jasper Gikison,</i>	do.	<i>William Harvey,</i>	do.
<i>Charles Grange,</i>	do.	<i>James Harvey,</i>	do.
<i>Samuel Reid,</i>	do.	<i>Joseph Archer,</i>	do.
<i>John Whitten,</i>	do.	<i>Obadiah Johnson,</i>	do.
<i>Stephen Follet,</i>	do.	<i>Charles Copeland,</i>	do.
<i>Alexander Christie,</i>	do.	<i>John Copeland,</i>	do.
<i>Chas. Lethum Hall,</i>	do.	<i>Henry Graham,</i>	do.
<i>Margaret Courtney,</i>	do.	<i>Thomas Adams,</i>	do.
<i>Arthur Dillon,</i>	do.	<i>Wm. Reed,</i>	do.
<i>Mary Anne Weir,</i>	do.	<i>Lewis Donally,</i>	do.
<i>William Ball,</i>	Township of do.	<i>James Burns,</i>	do.
<i>William Hamilton,</i>	Town of do.	<i>Wm. Telfer,</i>	do.
<i>Warren Claus,</i>	do.	<i>Ralfe Mordon Long,</i>	do.
<i>Lachlan Bell,</i>	do.	<i>Wm. Kennedy Smith,</i>	Brantford.
<i>Joseph Jayney,</i>	do.		

Mr. Campbell the  
Sitting Member,  
presents his List  
of Witnesses.Mr. Campbell handed in a List of Witnesses required in behalf of  
himself as the Sitting Member for the Town of Niagara, which was  
also read by the Clerk as follows : —

NAMES.	RESIDENCE.	NAMES.	RESIDENCE.
<i>John L. Alma,</i>	Town of Niagara.	<i>Edward R. Bolton,</i>	Town of Niagara.
<i>John Andrew,</i>	do.	<i>Lewis Bright,</i>	City of Toronto.
<i>Thos. B. Anderson,</i>	City of Montreal.	<i>Thomas Burke,</i>	Town of Niagara.
<i>Miss S. Burgess,</i>	Town of Niagara.	<i>Bartw. C. Beardsley,</i>	Woodstock, New Br.
<i>Beaver Bonner,</i>	do.	<i>Wm. M. Ball,</i>	Township of Niagara.
<i>James Boulton,</i>	do.	<i>Bernard F. Ball,</i>	do.
<i>Thomas Butler,</i>	do.	<i>Richard Brewer,</i>	City of Toronto.
<i>James Blain,</i>	do.	<i>Alexander Bell,</i>	City of Quebec.
<i>Thomas Benson,</i>	do.	<i>Donald Chisholm,</i>	Glenarry.
<i>David Bridgford,</i>	do.	<i>John Claus,</i>	Town of Niagara.
<i>Thomas Bentley,</i>	do.	<i>Mathew Cathline,</i>	do.
<i>John Burns,</i>	do.	<i>Louis Chickhine,</i>	Village of St. Cath- rines.
<i>Lachlan Bell,</i>	do.		
<i>William Barr,</i>	do.	<i>Johnson Clench,</i>	Town of Niagara.
<i>John Barker,</i>	do.	<i>Ralfe Clench,</i>	do.
<i>Robert E. Burns,</i>	City of Toronto.	<i>Henry Charles,</i>	do.
<i>Emanuel Best,</i>	do.	<i>Hon. James Crooks,</i>	Township of W. Flambro.
<i>James R. Boyd,</i>	Town of Niagara.		
<i>Francis Bogardus,</i>	do.	<i>Thomas Conner,</i>	Town of Niagara.
<i>John C. Ball,</i>	Township of Niagara.	<i>Warran Claus,</i>	do.
<i>Peter H. Ball,</i>	do.	<i>John Clark,</i>	do.
<i>George Ball,</i>	do.	<i>Charles Cheeseman,</i>	do.
<i>Thomas Buggins,</i>	Town of Niagara.	<i>Lewis Clement,</i>	do.
<i>Andrew Boylan,</i>	do.	<i>William Caley,</i>	do.
<i>William Buzman,</i>	do.	<i>Charles Conner,</i>	do.
<i>James Burns,</i>	do.	<i>Rev. John Carrol,</i>	Township of Niagara.
<i>Eduard C. Bolton,</i>	do.	<i>Eduard Courtney,</i>	Town of Niagara.

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List of Witnesses in  
behalf of Sitting  
Member.

NAMES.	RESIDENCE.	NAMES.	RESIDENCE.
<i>William Calder,</i>	Town of Niagara.	<i>Elizabeth Gamble,</i>	Town of Niagara.
<i>Philip Cathline,</i>	do.	<i>Thomas Godfrey,</i>	do.
<i>Joseph Clement,</i>	Township of Niagara.	<i>Joseph Graham,</i>	Township of Niagara.
<i>James Cummings,</i>	Village of Chippewa.	<i>John B. Geale,</i>	Town of Niagara.
<i>John E. Clyde,</i>	Town of Niagara.	<i>Charles Gamble,</i>	City of Toronto.
<i>Robert Cole,</i>	do.	<i>Robert Gray,</i>	Village of St. Cath- rines.
<i>Thomas Courtney,</i>	do.		
<i>William Curtis,</i>	do.	<i>James Givens,</i>	Town of London.
<i>George Cook,</i>	do.	<i>Robert Gillespie,</i>	City of London.



NAMES.	RESIDENCE.	NAMES.	RESIDENCE.
<i>Robert A. Connolly,</i>	Township of Niagara.	<i>James Goslin,</i>	Township of Stamford.
<i>F. A. B. Clench,</i>	Town of Niagara.		City of Montreal.
<i>John Clyde,</i>	do.	<i>George Gregory,</i>	City of Toronto.
<i>Samuel M. Carter,</i>	do.	<i>John Grant,</i>	do.
<i>Mathewson Campbell,</i>	do.	<i>George Houghton,</i>	Town of Niagara.
<i>Thomas Cumpston,</i>	do.	<i>David Hobbs,</i>	do.
<i>Ralph M. Clement,</i>	do.	<i>Margaret Hurst,</i>	do.
<i>William Copland,</i>	do.	<i>Charles L. Hall,</i>	Township of Niagara.
<i>William Cockell,</i>	Pictou, Prince Ewd.	<i>Richard Hiscott,</i>	Town of Niagara.
<i>Joseph Crouch,</i>	Town of Niagara.	<i>Andrew Heron, Jun.,</i>	do.
<i>Alexander Charteris,</i>	Town of Hamilton.	<i>Andrew Heron, Sen.,</i>	do.
<i>Peter B. Clement,</i>	Township of Niagara.	<i>John R. Holden,</i>	do.
<i>William Chisholm,</i>	Oakville.	<i>Richard Howard,</i>	do.
<i>Robert Cathcart,</i>	City of Toronto.	<i>George Hutt,</i>	Township of Niagara.
<i>Joseph B. Clench,</i>	Murray Town.	<i>Adam Huit,</i>	do.
<i>Ralph M. Cryslor,</i>	Rochester, U. S.	<i>James Harvey,</i>	Town of Niagara.
<i>John Cameron,</i>	Dundas.	<i>Reuben Harvey,</i>	do.
<i>John Cameron,</i>	Hamilton.	<i>Thomas Hodgman,</i>	do.
<i>John Cameron,</i>	Toronto.	<i>Leonard Hewitt,</i>	do.
<i>William Dunn,</i>	Town of Niagara.	<i>William C. Humphreys,</i>	do.
<i>Robert Dickson,</i>	do.	<i>James Hamilton,</i>	Village of Dundas.
<i>Matthew Dobie,</i>	do.	<i>George Hamilton,</i>	Town of Niagara.
<i>Frederick Dean,</i>	do.	<i>Dr. Joseph Hamilton,</i>	Township of Niagara.
<i>Walter H. Dickson,</i>	do.	<i>Francis House,</i>	Township of Crowland.
<i>Lewis Donnelly,</i>	do.	<i>James B. Jones,</i>	Grantham.
<i>Alexander Davidson,</i>	do.	<i>Jesse Jones,</i>	Township of Louth.
<i>Thomas Dover,</i>	do.	<i>Daniel Inglebey,</i>	Town of Niagara.
<i>Eduard Dixon,</i>	do.	<i>Robert Kay,</i>	do.
<i>George Dawson,</i>	do.	<i>William Kingsmill,</i>	do.
<i>Wm. Dixon, Jun.,</i>	Village of Galt.	<i>Joseph King,</i>	do.
<i>The Hon. Wm. Dickson,</i>	Town of Niagara.	<i>Charles Koune,</i>	do.
<i>Walter Elliot,</i>	do.	<i>Jacob Keefer,</i>	Village of Thorold.
<i>Thomas Edson,</i>	do.	<i>George Keefer,</i>	do.
<i>John Eaglesum,</i>	do.	<i>John Lyons,</i>	Town of Niagara.
<i>John Eakin,</i>	do.	<i>James Lockhart,</i>	do.
<i>Robert Emery,</i>	City of Toronto.	<i>John Lowe,</i>	do.
<i>Daniel Fuller,</i>	Township of Niagara.	<i>Ralph M. Long,</i>	do.
<i>Charles Field,</i>	Town of Niagara.	<i>John Leeper,</i>	do.
<i>John Frazer,</i>	do.	<i>Sergeant Patrick Lee,</i>	do.
<i>Walter Follett,</i>	do.	<i>Isaac Lewis,</i>	do.
<i>John Franklin,</i>	do.	<i>Henry Latimer,</i>	do.
<i>Patrick Finn,</i>	do.	<i>Carleton H. Leonard,</i>	City of Toronto.
<i>Abraham Fisher,</i>	do.	<i>Catherine A. M. Lyons,</i>	Town of Niagara.
<i>Thomas Fletcher,</i>	do.	<i>Wm. M. Lyons,</i>	City of Toronto.
<i>Duncan Forbes,</i>	do.	<i>William Lester,</i>	do.
<i>William Floyd,</i>	do.	<i>Robert Miller,</i>	Town of Niagara.
<i>William Fisher,</i>	do.	<i>Margery Miller,</i>	do.
<i>Thomas Flynn,</i>	do.	<i>Donald M'Donald</i>	do.
<i>James Frazer,</i>	do.	<i>Robert Melville,</i>	do.
<i>John Fenton,</i>	do.	<i>Eduard M'Mullin,</i>	do.
<i>William Fulton,</i>	do.	<i>John M'Bride,</i>	do.
<i>George Foley,</i>	do.	<i>Wm. Moffatt,</i>	do.
<i>William Fram,</i>	Township of Stamford.	<i>Dr. Joseph Merideth,</i>	do.
<i>Alexander Garrett,</i>	Town of Niagara.	<i>James Morrison,</i>	Township of Niagara.
<i>William Gorrie,</i>	do.	<i>Alex. Morrison,</i>	do.
<i>Jasper Gikison,</i>	do.	<i>William Duff Miller,</i>	Town of Niagara.
<i>Archibald Gikison,</i>	do.	<i>James Miller,</i>	do.
<i>John Graham,</i>	do.	<i>John Meinelly, Sen.,</i>	do.
<i>Wm. Gardiner,</i>	Township of Niagara.	<i>John Meinelly, Jun.,</i>	do.

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List of Witnesses in  
behalf of Sitting  
Member.

<i>James Mahony,</i>	Town of Niagara.	<i>John Hack,</i>	Town of Niagara.
<i>Gage Miller,</i>	do.	<i>Charles B. Secord,</i>	Town of Queenston.
<i>Eduard Malloy,</i>	do.	<i>William Sadler,</i>	Town of Niagara.
<i>John Mandifield,</i>	do.	<i>Arthur Shaw,</i>	Village of St. David's.
<i>Stephen Morris,</i>	do.	<i>Cortland Secord,</i>	Township of Niagara.
<i>Richard Moffatt,</i>	do.	<i>William Surby,</i>	Town of Niagara.
<i>Michael Morley,</i>	do.	<i>Jared Stocking,</i>	do.
<i>John Manifold,</i>	do.	<i>Charles Smith,</i>	do.
<i>Wm. Mellanby,</i>	do.	<i>Hezekiah H. Smith,</i>	Village of Youngstown.
<i>Richard M'Gan,</i>	do.	<i>John Shiver,</i>	Town of Niagara.
<i>Geo. Mickleborough,</i>	do.	<i>John G. Stevenson,</i>	do.
<i>Hugh M'Nally,</i>	do.	<i>John Swinton,</i>	do.
<i>Hugh Moore,</i>	do.	<i>John Simpson,</i>	do.
<i>Henry Miller,</i>	do.	<i>William Stewart,</i>	County of Haldimand.
<i>Richard Miller,</i>	do.	<i>John Stewart,</i>	Town of Niagara.
<i>Thomas Morrisson,</i>	do.	<i>William C. Stoneman,</i>	Township of Stamford.
<i>Daniel M'Dougal,</i>	do.	<i>Peter H. Swartz,</i>	Town of Niagara.
<i>John M'Farland,</i>	Township of Niagara.	<i>Johnson Stewart,</i>	do.

NAMES.	RESIDENCE.	NAMES.	RESIDENCE.
<i>Hon. Jas. B. Macaulay,</i>	City of Toronto.	<i>Thomas Sewell,</i>	Town of Niagara.
<i>Wm. Miller, Jun.,</i>	Village of Dundas.	<i>William Senior,</i>	do.
<i>John Miller,</i>	Village of Galt.	<i>Joseph Simpson,</i>	do.
<i>Hon. Alex. M'Donnell,</i>	City of Toronto.	<i>Jacob Steele,</i>	do.
<i>Richard Miller,</i>	Town of Niagara.	<i>Alexander Stewart,</i>	do.
<i>Thos. Morrisor,</i>	Township of Niagara.	<i>William L. Smith,</i>	Village of St. David's.
<i>William H. Merritt,</i>	Village of St. Catharines.	<i>Nicholas Smith,</i>	Village of Thorold.
<i>George Monro,</i>	City of Toronto.	<i>George W. Shockey,</i>	Village of Lewiston.
<i>John Nesbit,</i>	Town of Niagara.	<i>Thomas C. Street,</i>	Fall's Mills.
<i>Robert Nellis,</i>	Grimsby.	<i>Joel Skinner,</i>	Township of Stamford.
<i>Henry Nellis,</i>	do.	<i>Margaret Stewart,</i>	Town of Niagara.
<i>Morris O'Donnell,</i>	Town of Niagara.	<i>Thomas Sampson,</i>	do.
<i>Arthur O'Neal,</i>	do.	<i>Robert Tune,</i>	do.
<i>James W. Overfield,</i>	Village of Dundas.	<i>Henry Telford,</i>	do.
<i>William Overfield,</i>	do.	<i>David Thompson,</i>	do.
<i>John H. Oakley,</i>	Village of Bronti.	<i>Thomas Todd,</i>	do.
<i>John H. Oakley,</i>	Village of Drummondville.	<i>Stephen Todd,</i>	do.
<i>William Press,</i>	Town of Niagara.	<i>Charles Toal,</i>	do.
<i>Samuel Proctor,</i>	do.	<i>Frederick Tench,</i>	Township of Niagara.
<i>Francis Proctor,</i>	do.	<i>Henry Tench,</i>	do.
<i>William Primus,</i>	do.	<i>Thomas H. Taylor,</i>	Town of Hamilton.
<i>Wenwright Proctor,</i>	do.	<i>George Vary,</i>	Town of Niagara.
<i>James Patterson,</i>	do.	<i>Eli Vary,</i>	do.
<i>Mr. Prescott, (Secretary,</i>	Village of St. Catharines.	<i>Wm. Vanderlip,</i>	Village of Ancaster.
<i>Welland Canal Co.,)</i>		<i>Robert Vanderlip,</i>	do.
<i>Angus Ready,</i>	Township of Stamford.	<i>Walter Wilson,</i>	Town of Niagara.
<i>John Rogers,</i>	Town of Niagara.	<i>Wm. B. Winterbottom,</i>	do.
<i>Charles Richardson,</i>	do.	<i>George Watts,</i>	do.
<i>Wm. B. Robinson,</i>	Village of St. Catharines.	<i>James Watts,</i>	do.
<i>Mary Ann Rogers,</i>	Town of Niagara.	<i>Ephraim J. Wheeler,</i>	do.
<i>Bernard Roddy,</i>	do.	<i>Alexander Wall,</i>	do.
<i>William Riley,</i>	do.	<i>George Winterbottom,</i>	do.
<i>Alexander Ross,</i>	do.	<i>Simon Welch,</i>	Township of Niagara.
<i>Robert Reed,</i>	do.	<i>Richard Wagstaff,</i>	Town of Niagara.
<i>James Rogers,</i>	Township of Louth.	<i>John Wagstaff,</i>	do.
<i>David Russel,</i>	do.	<i>John Waters,</i>	do.
<i>Hugh Reed,</i>	do.	<i>John Whitten,</i>	do.
<i>Erastus B. Raymond,</i>	Village of St. Catharines.	<i>Jonathan Watts,</i>	do.
<i>Jonathan P. Raymond,</i>	Lewiston, U. S.	<i>William Welch,</i>	do.
<i>David W. Smith,</i>	Village of St. Catharines.	<i>Joseph A. Woodruff,</i>	do.
<i>Samuel Street,</i>	Township of Stamford.	<i>Thomas Whitten,</i>	do.
<i>John Savage,</i>	Town of Niagara.	<i>John Wagstaff, Jun.,</i>	Village of Dundas.
<i>Charles Stewart,</i>	do.	<i>William Woodruff,</i>	Village of St. David's.
		<i>Gershom Wright,</i>	Village of St. Catharines.
		<i>John Walker,</i>	do.
		<i>Joseph Wilson,</i>	Town of Niagara.

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<i>William Walker,</i>	City of Quebec.	<i>John Milton,</i>	County of Haldimand.
<i>John Yeo,</i>	Town of Niagara.	<i>Alexander M'Leod,</i>	Town of Niagara.
<i>George Yeo,</i>	do.	<i>Sylvanus Marvin,</i>	City of Buffalo, U. S.
<i>Rolland M'Donald,</i>	Village of St. Catharines.	<i>Robert Niven,</i>	Township of Niagara.
		<i>Ann Niven,</i>	do.

Doors locked.

Mr. Speaker then desired the Sergeant at arms to lock the doors.

And the doors being locked accordingly, and the Order of the day for taking said petition into consideration being read, the attestation of the Speaker was taken from off the Box in which, agreeably to the Statute, the names of all the Members of the House were sealed up, and the same was read by the Clerk, as follows : —

"I attest that this Box was, on the *sixth* day of *July*, 1841, made up in my presence in the manner directed by an Act passed in the *fourth* year of the Reign of His late Majesty King *GEORGE the Fourth*, entitled "*An Act to repeal an Act passed in the forty fifth year of His late Majesty's Reign, entitled 'An Act to regulate the trial of 'controverted Elections or Returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials.*"

AUSTIN CUVILLIER,  
Speaker.

Attestation of  
Speaker read.

Attestation of Clerk read.

The Box was then opened, and the attestation of the Clerk was taken out of the Box, and read by him, as follows : —

"I attest that I did, on *Tuesday*, the *sixth* day of *July*, 1841, in the presence of the Speaker of this House, put into a Box in which this attestation is found, the names of all the Members composing the present Legislative Assembly, written upon slips of parchment, and rolled up, as directed by an Act passed in the *fourth* year of the Reign of His late Majesty King GEORGE the *Fourth*, entitled "*An Act to repeal an Act passed in the forty fifth year of His late Majesty's Reign, entitled 'An Act to regulate the trial of controverted Elections or Returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials.*"

W. B. LINDSAY,  
Clerk of Assembly.

The names of all the Members were taken out of the Box and put into three other Boxes.

Names of members drawn, from which to strike a select com. for trial of Niagara contested election.

The drawing of the names was then proceeded in, in the usual manner, and the following names were drawn to which no objection was taken : —

1 Quesnel,	9 Barthe,	17 Gilchrist,
2 Woods,	10 Ruel,	18 Day, Hon. C.D.
3 Durand,	11 Armstrong	19 Hopkins,
4 Derbishi,	12 Donald McDonald,	20 Williams,
5 Powell,	13 Hinks,	21 Merritt,
6 Hale,	14 Jones,	22 Harrison, Hon. S. B.
7 Sir Allan McNab,	15 Chesley,	23 Thompson,
8 Johnston,	16 Watts,	

Names drawn

Twenty eight other names were drawn<sup>2</sup>

A desultory conversation took place touching the right of exemption from serving on Election Committees.<sup>3</sup>

**Mr. Harrison** wished to be exempted on the ground of being a public servant.<sup>4</sup>

**Mr. Viger** on the score of old age.<sup>5</sup>

**Mr. Price** on the plea of severe illness in his family calling him home.<sup>6</sup>

The two latter excuses prevailed, but **Mr. Harrison** failed in his plea.<sup>7</sup>

and set aside.

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and ((these names were)) set aside or excused, as follows : —

*Fourteen* against whom Petitions are pending.  
*Thirteen* serving on Election Committees.  
*One* being upwards of sixty years of age.

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*Six* names were also drawn, of members who were absent.

**Sir Allan MacNab**, who was intended as the Nominee of the Petitioner, but whose name was drawn as one of the first Committee, made a legal objection to this course, and the House was occupied a long time in discussing the matter. Sir Allan at length moved for Counsel to be heard at the Bar, on the ground of the alleged irregularity.<sup>8</sup>

**Mr. Roblin** said that there were already thirty lawyers in that House, and surely there was no occasion to have a stranger dictate to them. He should oppose the motion.<sup>9</sup>

**Mr. Sherwood** should wish to hear the learned Counsel — he was there to attend to the rights of the petitioner, and he ought to be heard.<sup>10</sup>



Col. Prince said that he had often listened to the learned Counsel with pleasure, and would again; but on the present occasion, he should be deprived of the enjoyment, as the statute was a plain one, as all who could run might read. The law of the land must be obeyed, and if the name of the learned Knight was wrongfully drawn, there was no remedy now.<sup>11</sup>

The Speaker ((Mr. Cuvillier)) decided that the motion was irregular, and called upon the Counsel to name a Nominee from the gentlemen whose names were not drawn as Committee men.<sup>12</sup>

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Mr. *Small* was chosen Nominee for the Petitioners.

Mr. *Thorburn* was chosen Nominee for the sitting member.

At half past four o'clock, P. M., the parties, with Mr. *Thaddeus Patrick*, Clerk to the select committee, retired for the purpose of striking said Committee.

At twenty minutes to five o'clock, P. M., the Clerk to the Select Committee, delivered to the Clerk of the House a List containing the names of the nine members unstruck, composing the Select Committee, which is as follows:—

Names of members  
of select committee.

1 <i>Quesnel</i> ,	4 <i>Hale</i> ,	7 <i>Gilchrist</i> ,
2 <i>Woods</i> ,	5 <i>Donald McDonald</i> ,	8 <i>Hopkins</i> ,
3 <i>Powell</i> ,	6 <i>Chesley</i> ,	9 <i>Williams</i> .

Nominee for the Petitioners, Mr. *Small*,

Nominee for the Sitting Member, Mr. *Thorburn*.

THADDEUS PATRICK,

Clerk to Committee.

Committee sworn.

The said nine members and the nominees were then severally sworn at the Table by the Clerk, in the usual manner.

Committee to meet at  
nine a.m. to-morrow.

On motion of Mr. *Small*, seconded by Mr. *Baldwin*,

*Ordered*—That the committee appointed to try the Petition of *Robert Melville* and *John McBride*, electors of the Town of *Niagara*, complaining of the undue election and return of *Edward Clarke Campbell*, Esquire, do meet in a committee room of this House to-morrow, at nine o'clock, A. M.

House proceeds in  
the appointment  
of a sel. com. for  
trial of Hastings  
contested election.

The hour appointed for taking into consideration the Petition of *T. Parker*, and others, of the County of *Hastings*, in the District of *Victoria*, complaining of the undue election and return of *Robert Baldwin*, Esquire, as a member to represent the County of *Hastings* in this present Parliament, being come,<sup>13</sup>

The House proceeded to the appointment of a select committee to try and determine the merits of said Petition.

The Sergeant at Arms was directed by Mr. Speaker to go with the Mace to the places adjacent and require the attendance of the members on the business of the House.

House called.

And he went accordingly,

And being returned, the House was called, and more than thirty members being present,

Mr. Speaker called upon the Petitioners, their Counsel or Agent, to appear at the Bar.

Counsel appears  
at Bar.

*J. H. Cameron*, Esquire, appeared at the Bar as Counsel for the Petitioners.

Mr. Speaker called upon the Sitting Member, his Counsel or Agent, to appear at the Bar.

*John Ross*, Esquire, appeared at the Bar as Counsel for the Sitting Member.

Doors locked.

Mr. Speaker then desired the Sergeant at Arms to lock the doors, And the doors being locked accordingly, and the order of the day for taking the said Petition into consideration, being read, the attesta-

tion of the Speaker was taken from off the Box in which, agreeably to the Statute, the names of all the members of the House were sealed up, and the same was read by the Clerk, as follows : —

Attestation of  
Speaker.

"I attest that this Box was, on the *sixth* day of *July*, 1841, made up in my presence in the manner directed by an Act passed in the *fourth*

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year of the Reign of His late Majesty, King GEORGE the *Fourth*, entitled "*An Act to repeal an Act passed in the forty fifth year of His 'late Majesty's Reign, entitled 'An Act to regulate the trial of controverted elections, or returns of members to serve in the House of Assembly,' and to made more effectual provision for such trials.*"

AUSTIN CUVILLIER,

Speaker.

The Box was then opened, and the attestation of the Clerk was taken out of the Box and read by him, as follows : —

Attestation of Clerk.

"I attest that I did, on *Tuesday*, the *sixth* day of *July*, 1841, in the presence of the Speaker of the House, put into a Box, in which this attestation is found, the names of all the members composing the present Legislative Assembly, written upon slips of Parchment, and rolled up, as directed by an Act passed in the fourth year of the Reign of His late Majesty King GEORGE the *Fourth*, entitled "*An Act to 'repeal an Act passed in the forty fifth year of His late Majesty's Reign, 'entitled 'An Act to regulate the trial of controverted elections or returns of members to serve in the House of Assembly,' and to make 'more effectual provision for such trials.'*"

W. B. LINDSAY,

Clerk of Assembly.

The names of all the members were taken out of the Box and put into three other Boxes.

The drawing of the names was then proceeded in, in the usual manner, and the following names were drawn, to which no objection was taken : —

Names drawn, from  
which to strike a  
sel. committee.

1 Barthe,	8 Merritt,	14 Price,
2 Durand,	9 Armstrong,	15 Day, Hon. C. D.
3 Johnston,	10 Derbishire,	16 Thompson,
4 Watts,	11 Killaly, Hon. H.H.	17 Ruel,
5 Jones,	12 Hincks,	18 Parent,
6 Taschereau,	13 Hermanus Smith,	19 Harrison, Hon. S.B.
7 McLean,		

In the course of the drawing, Sir Allan McNab's name was taken out and set aside, being chosen Nominee for the Petitioners, and the name of Mr. Boswell was likewise taken out and set aside, being chosen Nominee for the sitting member.

Number drawn, in-  
sufficient to form a  
select committee, and  
House adjourns.

And there not being a sufficient number of members to complete the twenty three required by the 6th Section of the Act 4, GEORGE 4, Chapter 4,

Mr. Speaker declared the House adjourned, in conformity to the Statute in that case made and provided.

Footnotes — 7 July 1841.

1. Comments on the proceedings of the whole day are found in : BRITISH COLONIST, 14 July 1841.
2. The discussion arising from the drawing of these names was reported in : WESTERN HERALD, 21 July 1841 ; and a commentary is found in LE CANADIEN, 12 July 1841.
3. WESTERN HERALD, 21 July 1841.
4. IBID.
5. IBID.

6. IBID.

7. IBID.

8. IBID.

9. IBID.

10. IBID.

11. IBID.

12. IBID.

13. Comments on the Hastings election proceedings are found in : WESTERN HERALD, 21 July 1841 ; LE CANADIEN, 12 July 1841.





From a print in the Public Archives of Canada.

HON. AUSTIN CUVILLIER,  
Speaker of the House of Legislative Assembly

## Thursday, 8 July 1841.

Speaker reports  
return from "Fire  
and Life Assurance  
Company."

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Mr. Speaker laid before the House a return of the "*British America Fire and Life Assurance Company*," received in conformity to an order of the House of the *twenty second of June* last.

For the said Return, see Appendix (F.)

House again proceeds  
to appointment of  
sel. com. to try  
the merits of Hastings  
contested election.

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In consequence of the adjournment of yesterday, the House proceeded to the appointment of a select committee to try and determine the merits of the Petition of *T. Parker*, and others, of the County of *Hastings*, in the District of *Victoria*, complaining of the undue election and return of *Robert Baldwin*, Esquire, as a member to represent the County of *Hastings* in the present Parliament.

The Sergeant at Arms was directed by Mr. Speaker to go with the Mace to the places adjacent and require the attendance of the members on the business of the House,

And he went accordingly,

And being returned, the House was called, and more than thirty members being present,

Mr. Speaker called upon the Petitioners, their Counsel or Agent, to appear at the Bar.

*J. H. Cameron*, Esquire, appeared at the Bar as Counsel for the Petitioners.

Mr. Speaker called upon the Sitting Member, his Counsel or Agent, to appear at the Bar.

*John Ross*, Esquire, appeared at the Bar as Counsel for the Sitting Member.

Mr. Speaker then desired the Sergeant-at-Arms to lock the doors.

And the doors being locked accordingly, and the order of the day for taking the said Petition into consideration being read, the attestation of the Speaker was taken from off the box, in which, agreeably to the Statute, the names of all the members of the House were sealed up, and the same was read by the Clerk, as follows : —

Attestation of  
Speaker.

"I attest that this Box was, on the *seventh* day of *July*, 1841, made up in my presence, in the manner directed by an Act passed in the *fourth* year of the reign of His late Majesty King *GEORGE the Fourth*, entitled, "*An Act to repeal an Act passed in the forty-fifth year of His 'late Majesty's* reign, entitled, '*An Act to regulate the trial of controverted Elections or Returns of Members to serve in the House of Assembly*' and to make more effectual provision for such trials."

AUSTIN CUVILLIER,

Speaker.

The box was then opened, and the attestation of the Clerk was taken out of the box and read by him, as follows : —

Attestation of Clerk.

"I attest that I did, on *Wednesday*, the *seventh* day of *July*, 1841, in the presence of the Speaker of the House, put into a box in which this attestation is found, the names of all the members composing the present Legislative Assembly, written upon slips of parchment, and rolled up, as directed by an Act passed in the *fourth* year of the Reign of His late Majesty, King *GEORGE the Fourth*, entitled "*An Act to re-*



"*peal an Act passed in the forty-fifth year of His late Majesty's Reign, "entitled, 'An Act to regulate the trial of Controverted Elections, or "Returns of Members to serve in the House of Assembly,' and to make "more effectual provision for such trials."*

W. B. LINDSAY,  
Clerk of Assembly.

The names of all the members were taken out of the Box and put into three other Boxes.

The drawing of the names was then proceeded in, in the usual manner, and the following names were drawn, to which no objection was taken : —

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Names drawn to  
which no objection  
was taken.

1 <i>Watts,</i>	8 <i>Morin,</i>	15 <i>Barthe,</i>
2 <i>Merritt,</i>	9 <i>Durand,</i>	16 <i>Hincks,</i>
3 <i>Taschereau,</i>	10 <i>Armstrong,</i>	17 <i>Cameron,</i>
4 <i>Desrivieres,</i>	11 <i>Killaly, Hon. H.H.</i>	18 <i>Day, Hon. C. D.</i>
5 <i>Thompson,</i>	12 <i>Johnston,</i>	19 <i>McLean,</i>
6 <i>Derbshire,</i>	13 <i>Ruel,</i>	20 <i>Parent,</i>
7 <i>Black,</i>	14 <i>Harmanus Smith,</i>	21 <i>Harrison, Hon. S.B.</i>

Sir A. McNab, and  
Mr. Boswell, chosen  
as nominees.

In the course of the drawing, Sir Allan McNab's name was taken out and set aside, being chosen Nominee for the Petitioners, and the name of Mr. Boswell was likewise taken out and set aside, being chosen Nominee for the sitting member.<sup>1</sup>

Various were the expedients suggested by Sir Allan MacNab, and other great authorities ; and simple and conclusive were the arguments of those hon. gentlemen to set aside the law whenever it interferes in the slightest degree with their wishes.<sup>2</sup>

Mr. Draper declared it not to be in accordance with inclination on the part of hon. gentlemen, that they were to be allowed to sit upon committees whenever they were disposed, but that it must be in strict compliance with the law only, that they could enter upon such duties, the question not being one of mere willingness, but of legality.<sup>3</sup>

Mr. Harrison, in a ... reply to Mr. Viger, declared it not to be a subject of private right, that members should be accepted on any particular service that they were ready to undertake, but a question whether they could legally perform it. The act of parliament specified, that when the number of members that could be ballotted for a contested election committee did not amount to twenty-three, the house must adjourn there and then to a stated hour on the following day. The course was plain enough, it was the law and they were bound to abide by it.<sup>4</sup>

Mr. Boswell suggested that the petition against the Hastings election should be postponed indefinitely.<sup>5</sup>

Col. Prince regarded the dilemma in which they were placed, as originating entirely in their not having decided in the first instance, whether the law as regarded contested elections in Lower Canada was in force or not. The Hon. Speaker, he conceived, must assume such to be the case until a proof to the contrary should be established. The question having been allowed to slumber so long, he regarded as a tacit concession of the point, on the part of Lower Canadian members ; but as it was the stumbling block that obstructed their proceedings, he felt convinced that if the sense of the house was taken upon the subject, a decision would be given in the affirmative, and the impediment at once removed.<sup>6</sup>

Sir A. MacNab ... could see no difficulty at all, providing those who had served and for whom the law makes a provision of exemption, were willing to do so again.<sup>7</sup>

Mr. Quesnel did not assent to such a convenient construction of the act of parliament.<sup>8</sup>

Mr. Speaker ((Cuvillier)) decided, that as the law of Upper Canada disqualified all those whose elections were contested, from sitting upon such committees ; *pari ratione* the law must equally apply to those of the lower province also.<sup>9</sup>



**Mr. Morin's** mode of elucidating the position of the house ((was as follows:)) We have, said the hon. gentleman, about eighty members returned to parliament, a number quite inadequate, as experience has proved for the business that may come before it. If, he continued, Lower Canada had not been deprived of her rights, we should have had members sufficient for any purpose.<sup>10</sup>

**Mr. Henry Smith** quoted from the act, that they were compelled *ex necessitate* to adjourn till to-morrow without discussion.<sup>11</sup>

**Mr. Speaker ((Cuvillier))** said the only motion that was in order, was for a call of the house; in the absence of that he should be under the necessity of adjourning it.<sup>12</sup>

**Mr. Hincks** was sure that if members would attend they would be able to go on.<sup>13</sup>

**Mr. Thorburn** said that the number of petitions had not been duly considered. Those from Lower Canada required action upon them fourteen days after presentation — in Upper Canada no particular time was specified, an arrangement consistent with this distinction might be made to avoid a similar occasion of delay.<sup>14</sup>

**Mr. Draper** did not consider, that although an adjournment must be resorted to at last, the time was misapplied in discussing the matter, with a view of finding a remedy. He was opinion that they would be obliged at last, to take the sense of the house, whether there was not a sufficient number of members present who *de jure* were *not* petitioned against.<sup>15</sup>

**Mr. Johnston** thought that they had acted rather unwisely in not securing the attendance of those who had actually been present, but that they should have been permitted to leave, and delay the proceedings of the house accordingly.<sup>16</sup>

**Mr. Hincks** said that one member was on two committees — either that was legal or he had no right to sit.<sup>17</sup>

**Mr. Small** rose to move a call of the house — remarking, that when he had consented to serve as nominee on the Niagara election, it was with the view of facilitating business, although against his own personal convenience. The motion of the hon. member was, that a call of the house be made to-morrow at six p.m., and that all members neglecting to attend, be given into custody to the sergent-at-arms.<sup>18</sup>

**Sir A. MacNab** ... ((considered)) ... this as too harsh a treatment for absentees....<sup>19</sup>

**Mr. Small** consented to expunge that part relating to the sergeant-at-arms.<sup>20</sup>

**Mr. Hale** said they would be no better off to morrow, than they were at present.<sup>21</sup>

**Mr. Day** submitted that it was inconsistent that any member should sit upon two committees at the same time, as it would afford him an undue election either to facilitate or dispatch the business of the one or the other, according to his own private views. He appealed to the authority of the Grenville Act, and Gurney's statutes for the exemption of those who had already sat upon such committees, and argued *a fortiori* that those who were actually sitting had a much stronger claim to be exempt — the very circumstance itself implying a disqualification, which any express specification of the law could have shown *ex absurdo*.<sup>22</sup>

The discussion was continued for a short time longer, — **Mr. Hincks** persisting that any member was perfectly competent to undertake the duties of two committees at the same time.<sup>23</sup>

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Motion for call of House to-morrow.

**Mr. Small** moved, seconded by **Mr. Parent**, that there be a call of the House to-morrow at ten minutes before six o'clock, P. M.

The question having been put upon the said motion, the House divided thereon, and the names being called for, they were taken down, as followeth : —

YEAS.

<i>Barthe,</i>	<i>Moore,</i>	<i>Raymond,</i>	<i>Taschereau,</i>
<i>Berthelot,</i>	<i>Morin,</i>	<i>Roblin,</i>	<i>Thompson,</i>
<i>Desrivieres,</i>	<i>Neilson,</i>	<i>Ruel,</i>	<i>Thorburn,</i>
<i>Durand,</i>	<i>Parent,</i>	<i>Small,</i>	<i>Woods. — 19.</i>
<i>Johnston,</i>	<i>Quesnel,</i>	<i>Taché,</i>	

## NOES.

<i>Armstrong,</i>	<i>Delisle,</i>	<i>Hamilton,</i>	<i>Simpson,</i>
<i>Black,</i>	<i>Derbshire,</i>	<i>Hincks,</i>	<i>Smith, (Fron.)</i>
<i>Boswell,</i>	<i>Draper, Hon. W.H.</i>	<i>Holmes,</i>	<i>Smith, (Went.)</i>
<i>Buchanan,</i>	<i>Dunn, Hon. J.H.</i>	<i>Killaly, Hon. H.H.</i>	<i>Sherwood,</i>
<i>Burnet,</i>	<i>Dunscomb,</i>	<i>MacNab, Sir A.N.</i>	<i>Steele,</i>
<i>Cameron,</i>	<i>Duggan,</i>	<i>McDonald, (Pres.)</i>	<i>Strachan,</i>
<i>Campbell,</i>	<i>Foster,</i>	<i>McLean,</i>	<i>Viger, Hon. D.B.</i>
<i>Chesley,</i>	<i>Gilchrist,</i>	<i>Merritt,</i>	<i>Watts,</i>
<i>Christie,</i>	<i>Harrison, Hon. S.B.</i>	<i>Prince,</i>	<i>Williams,</i>
<i>Day, Hon. C.D. Hale,</i>		<i>Robertson,</i>	<i>Yule. — 40.</i>

So it passed in the negative.

And there not being a sufficient number of members to complete the *twenty three* required by the 6th Section of the Act 4th GEO. 4, cap. 4.,

Mr. Speaker declared the House adjourned, in conformity to the Statute in that case made and provided.

The number present being insufficient to form a sel. com. the House was adjourned.

## Footnotes — 8 July 1841.

1. The remarks leading to this setting aside of names were reported in *BRITISH COLONIST*, 14 July 1841. Commentaries on the discussion are found in: *LE CANADIEN*, 12 July 1841; *WESTERN HERALD*, 21 July 1841; *MONTREAL GAZETTE*, 20 July 1841; *ST. CATHARINES JOURNAL*, 22 July 1841; *KINGSTON CHRONICLE*, 14, 17 July 1841.

2. *BRITISH COLONIST*, 14 July 1841. This report of MacNab's speech combines fact and insinuation in a style which makes it impossible to edit out the insinuations while retaining an impartial substance.

3. *IBID.*

4. *IBID.* Viger's speech herein referred to is not recorded in any of the sources consulted.

5. *IBID.*

6. *IBID.*

7. *IBID.*

8. *IBID.*

9. *IBID.*

10. *IBID.*

11. *IBID.*

12. *IBID.*

13. *IBID.*

14. *IBID.*

15. *IBID.*

16. *IBID.*

17. *IBID.*

18. *IBID.*

19. *IBID.*

20. *IBID.*

21. *IBID.*

22. *IBID.*

23. *IBID.*

## Friday, 9 July 1841.

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Statement of Bank  
of U. C. presented.

Mr. Speaker laid before the House a general statement of the affairs of the Bank of *Upper Canada*, received in conformity to an order of this House on the *twenty fifth of June* last.

For the said Statement, see Appendix (C.)

Recognizance entered  
into in York county  
election contest.

Mr. Speaker acquainted the House, that the Petitioners complaining of the undue election and return of *George Duggan*, Esquire, for the second Riding of the County of *York*, had entered into the usual

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recognizance required by law, on the subject matter of the said contested election.

One member reported  
absent from com.  
on Huron contested  
election.

Mr. *Christie*, Chairman of the Committee, to which was referred the contested election of the member returned for the County of *Huron*, (Mr. *Strachan*,) informed the House, that the member for the County of *Leeds*, (Mr. *Morris*,) had absented himself, owing to illness, from the committee, and would probably, on that account, be absent a few days therefrom.

Public accounts for  
1839 and 1840, laid  
before the House.

The Honorable *S. B. Harrison*, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General, statements of the Public Accounts of the late Province of *Upper Canada*, for the years 1839 and 1840.

For the said statements, see Appendix (B.)

A message from the Legislative Council by *John Godfrey Spragge*, Esquire, Master in Chancery.

MR. SPEAKER :

Gwillimbury Road  
and Bridge bill  
passed Leg. Council.

The Legislative Council have passed the Bill entitled "*An Act to amend an Act of that part of the Province formerly called Upper Canada*, entitled '*An Act to provide for the making and keeping in repair the West Gwillimbury Road and Bridge, and to authorize the erection of Toll Gate thereon*,'" without any amendment.

And then he withdrew.

House again proceeds  
to ballot for a com-  
mittee to try the  
merits of the con-  
tested election  
for Hastings.

In consequence of the adjournment of yesterday, the House again proceeded to the appointment of a Select Committee to try and determine the merits of the Petition of *T. Parker*, and others, of the County of *Hastings* in the District of *Victoria*, complaining of the undue election and return of *Robert Baldwin*, Esquire, as a member to represent the County of *Hastings* in the present Parliament.<sup>1</sup>

The Sergeant at Arms was directed by Mr. Speaker to go with the Mace to the places adjacent and require the attendance of the members on the business of the House,

And he went accordingly,

And being returned, the House was called, and more than thirty members being present,

Mr. Speaker called upon the Petitioners, their Counsel or Agent, to appear at the Bar.



*J. H. Cameron*, Esquire, appeared at the Bar, as Counsel for the Petitioners.

Mr. Speaker called upon the Sitting Member, his Counsel or Agent, to appear at the Bar.

*John Ross*, Esquire, appeared at the Bar, as Counsel for the Sitting Member.

Mr. Speaker then desired the Sergeant at Arms to lock the doors,

And the doors being locked accordingly, and the order of the day for taking the said Petition into consideration being read, the attestation of the Speaker was taken from off the Box in which, agreeably to the Statute, the names of all the members of the House were sealed up, and the same was read by the Clerk, as follows : —

Attestation  
of speaker.

"I attest that this Box was, on the *eighth* day of *July*, 1841, made up in my presence, in the manner directed by an Act passed in the *fourth* year of the Reign of His late Majesty King *GEORGE* the Fourth, entitled "*An Act to repeal an Act passed in the forty fifth year of His late Majesty's Reign*, entitled '*An Act to regulate the trial of Controverted*

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"*Elections or Returns of Members to serve in the House of Assembly, and to make more effectual provision for such trials.*"

AUSTIN CUVILLIER,

Speaker.

The Box was then opened, and the attestation of the Clerk was taken out of the Box, and read by him, as follows : —

Attestation  
of Clerk.

"I attest that I did, on *Thursday*, the *eighth* day of *July*, 1841, in the presence of the Speaker of this House, put into a Box, in which this attestation is found, the names of all the members composing the present Legislative Assembly, written upon slips of parchment and rolled up, as directed by an Act passed in the fourth year of the Reign of His late Majesty King *GEORGE* the Fourth, intituled "*An Act to repeal an Act passed in the forty fifth year of His late Majesty's Reign*, entitled "*An Act to regulate the trial of Controverted Elections or Returns of Members to serve in the House of Assembly,*" and to make more "*effectual provision for such trials.*"

W. B. LINDSAY,

Clerk of Assembly.

The names of all the members were taken out of the Box and put into three other Boxes.

The drawing of the names was then proceeded in, in the usual manner, and the following names were drawn, to which no objection was taken : —

Name's drawn for  
a select committee.

1 <i>Johnston</i> ,	7 <i>Taschereau</i> ,	13 <i>Black</i> ,
2 <i>Hincks</i> ,	8 <i>Ruel</i> ,	14 <i>Merritt</i> ,
3 <i>Cameron</i> ,	9 <i>Thompson</i> ,	15 <i>Parent</i> ,
4 <i>Desrivieres</i> ,	10 <i>Harmanus Smith</i> ,	16 <i>Watts</i> ,
5 <i>McLean</i> ,	11 <i>Killaly</i> , Hon. H.H.	17 <i>Morin</i> ,
6 <i>Barthe</i> ,	12 <i>Armstrong</i> ,	18 <i>Durand</i> ,

**Capt. Steele**, although he spoke with his accustomed good sense, and regard, for the value of the public time, may perhaps rather have overlooked the necessity of keeping within the law....<sup>2</sup>

**Mr. Boswell** ((gave his)) construction of a clause in the act, empowering the house to postpone a contested election, in cases of perplexity arising....<sup>3</sup>

**Col. Prince** ((attempted)) to bring about a decision as to the Lower Canada law of election....<sup>4</sup>

The Speaker ((**Mr. Cuvillier**)) pronouncing against the regularity of introducing such a discussion, the position of the house was obliged to stand upon its own merits.<sup>5</sup>

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On Mr. *Holmes'* name being called,

Mr. *Aylwin* moved, seconded by Mr. *Cartwright*,

A member incompetent to serve upon two committees at same time.

That *Benjamin Holmes*, Esquire, one of the members of this House, and a member of the committee appointed to try and determine the Petition of *William Dunlop*, of *Gairbraid*, in the County of *Huron*, Esquire, complaining of the undue election and Return of *James McGill Strachan*, Esquire, as a member to represent the County of *Huron* in this present Parliament, is incompetent to serve upon the committee now being struck, until the said committee, upon the *Huron* election, shall have finally reported.

The question having been put upon the said motion, the House divided thereon, and the names being called for, they were taken down, as followeth : —

## YEAS.

<i>Aylwin</i> ,	<i>Dunn, Hon. J.H.</i>	<i>Morin</i> ,	<i>Sherwood</i> ,
<i>Barthe</i> ,	<i>Foster</i> ,	<i>Noel</i> ,	<i>Strachan</i> ,
<i>Berthelot</i> ,	<i>Harrison, Hon. S.B.</i>	<i>Parent</i> ,	<i>Taché</i> ,
<i>Boutillier</i> ,	<i>Hamilton</i> ,	<i>Prince</i> ,	<i>Taschereau</i> ,
<i>Campbell</i> ,	<i>Johnston</i> ,	<i>Quesnel</i> ,	<i>Turcotte</i> ,
<i>Cartwright</i> ,	<i>Killaly, Hon. H.H.</i>	<i>Robertson</i> ,	<i>Woods</i> ,
<i>Daly, Hon. D.</i>	<i>McDonald, (Pres.)</i>	<i>Ruel</i> ,	<i>Watts</i> ,
<i>Desrivieres</i> ,	<i>Moore</i> ,	<i>Smith, (Front.)</i>	<i>Yule. — 33.</i>
<i>Draper, Hon. W.H.</i>			

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## NOES.

<i>Armstrong</i> ,	<i>Christie</i> ,	<i>Holmes</i> ,	<i>Small</i> ,
<i>Black</i> ,	<i>Delisle</i> ,	<i>MacNab, Sir A.N.</i>	<i>Smith, (Went.)</i>
<i>Boswell</i> ,	<i>Dunscumb</i> ,	<i>McLean</i> ,	<i>Steele</i> ,
<i>Buchanan</i> ,	<i>Durand</i> ,	<i>Merritt</i> ,	<i>Thompson</i> ,
<i>Burnet</i> ,	<i>Gilchrist</i> ,	<i>Powell</i> ,	<i>Thorburn</i> ,
<i>Cameron</i> ,	<i>Hale</i> ,	<i>Raymond</i> ,	<i>Viger, Hon. D.B.</i>
<i>Chesley</i> ,	<i>Hincks</i> ,	<i>Roblin</i> ,	<i>Williams. — 29.</i>
<i>Child</i> ,			

So it was carried in the affirmative, and —

*Resolved* accordingly.

Sir A. McNab, and Mr. Boswell, chosen as nominees.

In the course of the drawing, Sir *Allan McNab's* name was taken out and set aside, being chosen Nominee for the Petitioners, and the name of Mr. *Boswell* was likewise taken out and set aside, being chosen Nominee for the Sitting Member.

((There ensued many)) repetitions of former opinions, and a confused discussion....<sup>6</sup>

(151)

Mr. *Hincks* moved, seconded by Mr. *Small*,

That the names of the members of this House, now in Kingston, be called over on *to-morrow, Saturday*, at *two o'clock, P. M.*

The question being put upon the said motion, the House divided thereon, and the names being called for, they were taken down, as followeth : —

## YEAS.

<i>Armstrong</i> ,	<i>Durand</i> ,	<i>Morin</i> ,	<i>Smith, (Fron.)</i>
<i>Berthelot</i> ,	<i>Foster</i> ,	<i>Neilson</i> ,	<i>Smith, (Went.)</i>
<i>Boutillier</i> ,	<i>Gilchrist</i> ,	<i>Noel</i> ,	<i>Steele</i> ,
<i>Burnet</i> ,	<i>Hale</i> ,	<i>Ogden, Hon. C. R.</i>	<i>Taché</i> ,
<i>Campbell</i> ,	<i>Hincks</i> ,	<i>Parent</i> ,	<i>Taschereau</i> ,
<i>Child</i> ,	<i>Holmes</i> ,	<i>Powell</i> ,	<i>Thompson</i> ,

Names of Members in Kingston to be called over to-morrow.

<i>Daly, Hon. D.</i>	<i>Johnston</i>	<i>Quesnel,</i>	<i>Thorburn,</i>
<i>Delisle,</i>	<i>Killaly, Hon. H.H.</i>	<i>Raymond,</i>	<i>Woods,</i>
<i>Desrivières,</i>	<i>McNab, Sir A. N.</i>	<i>Roblin,</i>	<i>Williams,</i>
<i>Dunn, Hon. J.H.</i>	<i>McDonald, (Pres.)</i>	<i>Ruel,</i>	<i>Yule. — 43.</i>
<i>Duggan,</i>	<i>Merritt,</i>	<i>Small,</i>	

## NOES.

<i>Barthe,</i>	<i>Christie,</i>	<i>McLean,</i>	<i>Turcotte,</i>
<i>Boswell,</i>	<i>Derbshire,</i>	<i>Moore,</i>	<i>Viger, Hon. D.B.</i>
<i>Buchanan,</i>	<i>De Salaberry,</i>	<i>Prince,</i>	<i>Watts. — 15.</i>
<i>Cartwright,</i>	<i>Hamilton,</i>	<i>Sherwood,</i>	

So it was carried in the affirmative, and —  
*Resolved* accordingly.

Mr. *Hincks* moved, seconded by Mr. *Small*,

That such of the said Members as shall not be then present be taken into the custody of the Sergeant at Arms attending this House, or his Deputy.

The question having been put upon the said motion, the House divided thereon, and the names being called for, they were taken down as followeth : —

## YEAS.

<i>Armstrong,</i>	<i>Boutillier,</i>	<i>Campbell,</i>	<i>Daly, Hon. D.</i>
<i>Berthelot,</i>	<i>Burnet,</i>	<i>Child,</i>	<i>Delisle,</i>

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<i>De Salaberry,</i>	<i>Holmes,</i>	<i>Parent,</i>	<i>Steele,</i>
<i>Desrivières,</i>	<i>Johnston,</i>	<i>Powell,</i>	<i>Taché,</i>
<i>Dunn, Hon. J.H.</i>	<i>Killaly, Hon. H.H.</i>	<i>Quesnel,</i>	<i>Taschereau,</i>
<i>Dunscomb,</i>	<i>McDonald, (Pres.)</i>	<i>Raymond,</i>	<i>Thompson,</i>
<i>Duggan,</i>	<i>Merritt,</i>	<i>Robertson,</i>	<i>Thorburn,</i>
<i>Durand,</i>	<i>Morin,</i>	<i>Roblin,</i>	<i>Turcotte,</i>
<i>Foster,</i>	<i>Neilson,</i>	<i>Ruel,</i>	<i>Woods,</i>
<i>Gilchrist,</i>	<i>Noel,</i>	<i>Small,</i>	<i>Williams,</i>
<i>Hale,</i>	<i>Ogden, Hon. C.R.</i>	<i>Smith, (Went.)</i>	<i>Yule. — 45.</i>
<i>Hincks,</i>			

## NOES.

<i>Aylwin,</i>	<i>Cartwright,</i>	<i>Harrison, Hon. S.B.</i>	<i>Moore,</i>
<i>Barthe,</i>	<i>Christie,</i>	<i>Hamilton,</i>	<i>Prince,</i>
<i>Boswell,</i>	<i>Derbshire,</i>	<i>McNab, Sir A. N.</i>	<i>Viger, Hon. D.B.</i>
<i>Buchanan,</i>	<i>Draper, Hon. W.H.</i>	<i>McLean,</i>	<i>Watts. — 16.</i>

So it was carried in the affirmative, and —  
*Ordered*, accordingly.

Members present being insufficient to form an election committee, the House is adjourned.

And there not being a sufficient number of members to complete the twenty three required by the 6th Section of the Act 4th, GEORGE IV., Chapter IV,

Mr. Speaker declared the House adjourned, in conformity to the statute in that case made and provided.

Footnotes — 9 July 1841.

1. The proceedings on the Hastings election were reported in : *BRITISH COLONIST*, 14 July 1841 ; *MONTREAL GAZETTE*, 12 July 1841 ; *KINGSTON CHRONICLE*, 14 July 1841.

2. *BRITISH COLONIST*, 14 July 1841. This report relies more on giving impressions than factual comments.

3. *IBID.*

4. *IBID.*

5. *IBID.*

6. *IBID.*



**Saturday, 10 July 1841.<sup>1</sup>**

Statement of affairs  
of Bank of Montreal  
laid before the House.

House called.

Members Absent.

House again proceeds  
to the appointment  
of sel. com. to try  
the merits of Hastings  
contested election.

Attestation  
of Speaker.

(152)

Mr. Speaker laid before the House a Statement of the affairs of the Bank of *Montreal*, received in conformity to an order of the House, of the 25th of *June* last.

For the said Statement, see appendix (C.)

Pursuant to the order of the day, at 2 o'clock, P. M., the House was called.

MEMBERS ABSENT.

Mr. *Borne*, (not yet taken his seat,)  
Mr. *Buchanan*,  
Mr. *Cook*, (with leave,)  
Mr. *Hopkins*, (sick,)  
Mr. *Kimber*, (with leave,)  
Mr. *McCulloch*,  
Mr. *J. S. MacDonald*, (sick,)  
Hon. *G. Moffatt*, (with leave,)  
Mr. *Morris*, (sick,)  
Mr. *Price*, (sickness in his family,)  
Mr. *Strachan*.

In consequence of the adjournment of yesterday, the House again proceeded to the appointment of a Select Committee to try and determine the merits of the Petition of *T. Parker*, and others, of the County of *Hastings*, in the District of *Victoria*, complaining of the undue elec-

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tion and return of *Robert Baldwin*, Esquire, as a member to represent the County of *Hastings*, in the present Parliament.

The Sergeant at arms was directed, by Mr. Speaker, to go with the Mace to the places adjacent and require the attendance of the members on the business of the House ;

And he went accordingly,

And, being returned, the House was called, and more than thirty members being present,

Mr. Speaker called upon the Petitioners, their Counsel or Agent, to appear at the Bar.

*J. H. Cameron*, Esquire, appeared at the Bar, as Counsel for the Petitioners.

Mr. Speaker called upon the Sitting Member, his Counsel, or Agent to appear at the Bar.

*John Ross*, Esquire, appeared at the Bar, as Counsel for the Sitting Member.

Mr. Speaker then desired the Sergeant at Arms to lock the doors. And the doors being locked, accordingly, and the order of the day for taking the said Petition into consideration, being read, the attestation of the Speaker was taken from off the Box, in which, agreeably to the Statute, the names of all the members of the House were sealed up, and the same was read, by the Clerk, as follows : —

"I attest that this Box was, on the 9th day of *July*, 1841, made up in my presence, in the manner directed by an Act passed in the 4th year of the Reign of His late Majesty King *GEORGE* the *Fourth*, en-

titled "*An Act to repeal an Act passed in the forty fifth year of His late Majesty's Reign, entitled 'An Act to regulate the trial of Controverted Elections, or returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials.*"

AUSTIN CUVILLIER,  
Speaker.

The Box was then opened, and the attestation of the Clerk was taken out of the Box and read by him as follows : —

Attestation  
of Clerk.

"I attest that I did, on *Friday* the 9th day of *July*, 1841, in presence of the Speaker of this House, put into a Box, in which this attestation is found, the names of all the Members composing the present Legislative Assembly, written upon slips of parchment, and rolled up, as directed by an Act passed in the 4th year of the Reign of His late Majesty, King GEORGE the Fourth, entitled "*An Act to repeal an Act passed in the forty fifth year of His late Majesty's Reign, entitled 'An Act to regulate the trial of Controverted Elections, or returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials.*"

W. B. LINDSAY,  
Clerk of Assembly.

The names of all the members were taken out of the Box and put into three other Boxes.

Motion for rescinding  
resolution of yesterday  
on competency  
of certain members  
serving on Election  
Com.

Mr. Black moved, seconded by Mr. Boswell,

That the resolution of this House, of yesterday, declaring that a member already serving upon a committee on a contested election is incompetent to serve upon a second until the previous committee shall have finally reported, be rescinded.

Previous Ques.  
moved.

Mr. Aylwin, seconded by Mr. Prince, moved the previous question, viz : —

Shall the main question be now put ?

(154)

The House divided on the question, and the names being called for, they were taken down as followeth : —

#### YEAS.

Armstrong,	Crane,	Hale,	Roblin,
Black,	Delisle,	Hincks,	Simpson,
Boswell,	Derbshire,	Holmes,	Smith, (Went.)
Burnet,	De Salaberry,	Jones,	Steele,
Cameron,	Dunscomb,	MacNab, Sir A.N.	Thompson,
Chesley,	Duggan,	McLean,	Thornburn,
Child,	Durand,	Merritt,	Williams,
Christie,	Gilchrist,	Powell,	Yule. — 32.

#### NOES.

Aylwin,	Dunn, Hon. J.H.	Neilson,	Smith, (Fron.)
Barthe,	Foster,	Noel,	Sherwood,
Berthelot,	Harrison, Hon. S.B.	Ogden, Hon. C.R.	Taché,
Boutillier,	Hamilton,	Parent,	Taschereau,
Campbell,	Johnston,	Prince,	Turcotte,
Daly, Hon. D.	Killaly, Hon. H.H.	Quesnel,	Viger, Hon. D.B.
Day, Hon. C.D.	McDonald, (Pres.)	Raymond,	Watts,
Desrivieres,	Moore,	Robertson,	Woods. — 35.
Draper, Hon. W.H.	Morin,	Ruel,	

So it passed in the negative.

Drawing of the  
names proceeded in.

The drawing of the names was then proceeded in, in the usual manner, and the following names were drawn, to which no objection was taken : —

Names drawn from  
which to strike a sel.  
Committee.

- |                          |                             |                            |
|--------------------------|-----------------------------|----------------------------|
| 1 <i>Parent,</i>         | 9 <i>Killaly, Hon. H.H.</i> | 16 <i>Watts,</i>           |
| 2 <i>Desrivieres,</i>    | 10 <i>Derbshire,</i>        | 17 <i>McLean,</i>          |
| 3 <i>Black,</i>          | 11 <i>Jones,</i>            | 18 <i>Thompson.</i>        |
| 4 <i>Johnston,</i>       | 12 <i>Morin,</i>            | 19 <i>Ogden, Hon. C.R.</i> |
| 5 <i>Taschereau,</i>     | 13 <i>Ruel,</i>             | 20 <i>Harmanus Smith,</i>  |
| 6 <i>Hincks,</i>         | 14 <i>Armstrong,</i>        | 21 <i>Merritt,</i>         |
| 7 <i>Durand,</i>         | 15 <i>Cameron,</i>          | 22 <i>Barthe.</i>          |
| 8 <i>Day, Hon. C. D.</i> |                             |                            |

Sir A. McNab and  
Mr. Boswell set  
aside as nominees.

In the course of the drawing Sir *Allan McNab's* name was taken out and set aside, being chosen nominee for the Petitioner, and the name of Mr. *Boswell* was likewise taken out and set aside, being chosen nominee for the Sitting Member.

Mr. *Hincks* moved, seconded by Mr. *Derbshire,*

That the names of the members of this House, now in Kingston, be called over, on *Monday* next, the 12th instant, at 2 o'clock, P.M.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative, and —

*Resolved* accordingly.

Mr. *Hincks* moved, seconded by Mr. *Derbshire,*

That such of the said members as shall not be then present be taken into the custody of the Sergeant at Arms attending this House, or his Deputy.

The question having been put upon the said motion, the House divided thereon, and the names being called for, they were taken down, as followeth : —

(155)

YEAS.

<i>Berthelot,</i>	<i>Draper, Hon. W.H. Hale,</i>	<i>Powell,</i>
<i>Boutillier,</i>	<i>Dunscumb, Hincks,</i>	<i>Prince,</i>
<i>Cameron,</i>	<i>Duggan, Holmes,</i>	<i>Quesnel,</i>
<i>Campbell,</i>	<i>Durand, Johnston,</i>	<i>Smith, (Went.)</i>
<i>Day, Hon. C.D. Foster,</i>	<i>Morin,</i>	<i>Thompson,</i>
<i>Delisle,</i>	<i>Gilchrist, Neilson,</i>	<i>Thorburn,</i>
<i>Derbshire,</i>	<i>Harrison, Hon. S.B. Ogden, Hon. C.R.</i>	<i>Yule. — 28.</i>

NOES.

<i>Black,</i>	<i>Hamilton,</i>	<i>McLean,</i>	<i>Turcotte,</i>
<i>Burnet,</i>	<i>MacNab, Sir A.N. Raymond,</i>		<i>Viger, Hon. D.B.</i>
<i>Chesley,</i>	<i>McDonald, (Pres.) Sherwood,</i>		<i>Williams. — 13.</i>
<i>Christie,</i>			

So it was carried in the affirmative, and —

*Ordered,* accordingly.

Mr. *Hincks* moved, seconded by Mr. *Derbshire,*

That the names of the members of this House be called over on *Wednesday* next, the 14th instant, at 2 o'clock, P.M.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative, and —

*Resolved,* accordingly.

Mr. *Hincks* moved, seconded by Mr. *Derbshire,*

That such of the said members as shall not be then present, be taken into the custody of the Sergeant at Arms attending this House, or his Deputy.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative, and —

*Ordered,* accordingly.

Names of members  
to be called over on  
*Wednesday* next, and  
if not present to be  
taken into the custody  
of the Serg. at Arms.



Number of members present being in sufficient for the forming an election committee the House adjourns.

And there not being a sufficient number of members to complete the twenty three required by the 6th Section of the Act 4, GEORGE IV, Chapter IV.

Mr. Speaker declared the House adjourned, in conformity to the Statute in that case made and provided.

Footnotes — 10 July 1841.

1. "The house sat in session this day till within a short period of adjournment, with closed doors; the reporters being excluded, as well as the public, from the proceedings." BRITISH COLONIST, 14 July 1841.

**Monday, 12 July 1841.**

Recognizance entered into on Frontenac contested election.

House called.

(155)

Mr. Speaker acquainted the House that *Edward Noble* and *William Ferguson* had entered into the usual recognizance required by Law, on the subject matter of the contested election for the County of *Frontenac*.

Pursuant to the Order of the day, at 2 o'clock, P. M. the House was called.

MEMBERS ABSENT.

Absent Members.

Mr. *Borne*, (not yet taken his seat)  
Mr. *Buchanan*,  
Mr. *Cooke*, (with leave)  
Mr. *Hamilton*,  
Mr. *Hopkins*, (sick)

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Members absent.

Mr. *Kimber*, (with leave)  
Mr. *McCulloch*,  
Mr. *Morris*, (sick)  
Mr. *Price*, (sickness in his family)  
Mr. *Steele*, (sick)  
Mr. *Turcotte*,

House again proceeds to the appointment of sel. committee to try the merits of the *Hastings* contested election.

In consequence of the adjournment of *Saturday* last, the House again proceeded to the appointment of a select Committee to try and determine the merits of the Petition of *T. Parker*, and others, of the county of *Hastings*, in the District of *Victoria*, complaining of the undue election and return of *Robert Baldwin*, Esquire, as a member to represent the county of *Hastings*, in the present Parliament.

The Sergeant at Arms was directed, by Mr. Speaker, to go with the mace to the places adjacent and require the attendance of the members on the business of the House.

And he went accordingly.

And, being returned, the House was called, and more than thirty members being present,

Mr. Speaker called upon the Petitioners, their counsel or agent, to appear at the bar.

*J. H. Cameron*, Esquire, appeared at the bar as counsel for the Petitioners.

Mr. Speaker called upon the sitting member, his counsel or agent, to appear at the bar.

*John Ross*, Esquire, appeared at the bar, as counsel for the sitting member.

Mr. Speaker then desired the sergeant at Arms to lock the door, and the doors being locked accordingly, and the Order of the day for taking the said Petition into consideration being read, the attestation of the Speaker was taken from off the box in which, agreeably to the statute, the names of all the members of the House were sealed up, and the same was read by the Clerk as follows :

"I attest that this Box was, on the 10th day of *July*, 1841, made up in my presence in the manner directed by an Act passed in the *fourth*

Attestation of Speaker.

year of the Reign of His late Majesty, King GEORGE the *Fourth*, entitled "*An Act to repeal an Act passed in the forty fifth year of His late Majesty's Reign, entitled 'An Act to regulate the trial of controverted elections, or returns of members to serve in the House of Assembly,' and to make more effectual provision for such trials.*"

AUSTIN CUVILLIER,

Speaker.

The Box was then opened, and the attestation of the Clerk was taken out of the Box and read by him, as follows :—

Attestation of Clerk.

"I attest that I did, on *Saturday*, the 10th day of *July*, 1841, in presence of the Speaker of the House, put into a Box, in which this attestation is found, the names of all the members composing the present Legislative Assembly, written upon slips of Parchment, and rolled up, as directed by an Act passed in the fourth year of the Reign of His late Majesty, King GEORGE the *Fourth*, entitled "*An Act to repeal an Act passed in the forty fifth year of His late Majesty's Reign, entitled 'An Act to regulate the trial of controverted elections or returns of members to serve in the House of Assembly,' and to make more effectual provision for such trials.*"

W. B. LINDSAY,

Clerk of Assembly.

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The names of all the members were taken out of the Box and put into three other Boxes.

The drawing of the names was then proceeded in, in the usual manner, and the following names were drawn, to which no objection was taken :—

Names drawn from which to form sel. com. for trial of Hastings contested election.

1 Ruel,	9 Watts,	17 Barthe,
2 Ogden, Hon. C.R.	10 McLean,	18 Killaly, Hon. H.H.
3 Parent,	11 Desrivieres,	19 Taschereau,
4 Day, Hon. C.D.	12 Thompson,	20 Hincks,
5 Black,	13 Merritt,	21 Cameron,
6 J.S. Macdonald,	14 Armstrong,	22 Morin,
7 Johnston,	15 Harmanus Smith,	23 Derbishire.
8 Jones,	16 Moffatt, Hon. Geo.	

Forty seven other names were drawn and set aside or excused, as follows :—

Sixteen against whom Petitions are now pending.

Thirty serving on Election Committees.

One being upwards of sixty years of age.

Five names were also drawn of members who were absent.

Sir Allan MacNab, and Mr. Boswell chosen as nominees.

Sir Allan M'Nab was chosen nominee for the Petitioners.

Mr. Boswell was chosen nominee for the sitting member.

At 20 minutes to 3 o'clock, p. m., Mr. Charles Fitzgibbon, Clerk to the select committee, retired with the parties, for the purpose of striking said committee.

Clerk of Committee delivers list on sel. com.

At 5 minutes to 3 o'clock, p.m., the clerk to the select committee delivered to the clerk of the House a list containing the names of nine members, unstruck, composing the select committee, which is as follows :

Names of the members remaining on the list to try the merits of the Petition of T. Parker, and others, of the county of Hastings, in the district of Victoria, complaining of the undue election and return of Robert Baldwin, Esq., as a member to represent the county of Hastings, in the present Parliament.

Members composing sel. com. for trying the merits of Hastings contested election.

1 Ruel,	4 Watts,	7 Hon. H.H. Killaly,
2 Parent,	5 Thompson,	8 Cameron,
3 Jones,	6 Merritt,	9 Derbishire.



Nominee for the Petitioners, Sir *Allan M'Nab*.

Nominee for the sitting member, Mr. *Boswell*.

CHARLES FITZGIBBON,  
Clerk to Committee.

Committee sworn.

The said *nine* members and the nominees were then severally sworn at the table, by the clerk, in the usual manner.

Sir *Allan M'Nab*, nominee for the Petitioners, presented a list of witnesses in the case of the petition of *T. Parker*, and others, of the county of *Hastings*, in the district of *Victoria*, which was read by the clerk as follows : —

NAMES.	RESIDENCE.	DISTRICTS.
<i>Clerk of the Crown</i> } <i>in Chancery,</i> }	To produce the Poll Book of the Hastings Election, and Indenture, of Return for the 4th Riding of York.	
<i>Surveyor General,</i>		
<i>Donald Cameron,</i>	Belville,	Hastings.
<i>Joseph P. Huyett,</i>	Thurlow,	do.
<i>John M'Coy,</i>	Huntingdon,	do.
<i>John P. Morden,</i>	Belville,	do.
<i>Wm. Robinson,</i>	Trent Port,	Newcastle District.

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<i>John Wiere,</i>	Belville,	Hastings.
<i>Joseph Marlow,</i>	do.	do.
<i>Chauncey Wollcott,</i>	do.	do.
<i>Berry Willard,</i>	do.	do.
<i>John Addison,</i>	do.	do.
<i>Henry Corby,</i>	do.	do.
<i>James Whiteford,</i>	do.	do.
<i>Henry Coyle,</i>	Hungerford,	do.
<i>William Downey,</i>	do.	do.
<i>Felix Gabourie,</i>	do.	do.
<i>Wm. Martin,</i>	Thurlow,	do.
<i>Thomas Martin,</i>	do.	do.
<i>John Dougle,</i>	do.	do.
<i>Dennis Kelly,</i>	Town of Kingston,	Midland District.
<i>Patt Flemming,</i>	do.	do.
<i>Alex. H. Dobbs,</i>	do.	do.
<i>John Turnbull,</i>	Belville,	Hastings.
<i>John Ross, Barrister,</i>	do.	do.
<i>Nelson G. Reynolds,</i>	do.	do.
<i>John Hanley,</i>	do.	do.
<i>James Maddigan,</i>	Kingston,	Midland District.
<i>Daniel Ostrom,</i>	Sydney,	Hastings.
<i>Sim. Ostrom</i>	do.	do.
<i>Ira Sergeant,</i>	do.	do.
<i>Ed. Gibbs,</i>	do.	do.
<i>H'y Hagerman,</i>	do.	do.
<i>Charles Bonnistal,</i>	do.	do.
<i>Widow Waterman,</i>	Township of Kingston,	Midland District.
<i>John Coon,</i>	Sydney,	Hastings.
<i>Henry Grass,</i>	do.	do.
<i>James McDonnell,</i>	Belville,	do.
<i>Zenas Dajoe,</i>	do.	do.
<i>William Ketchison, jr.,</i>	Sidney,	do.
<i>Adam H. Meyers,</i>	Trent Port,	Newcastle District.
<i>James Gilbert,</i>	Sidney,	Hastings.
<i>Jacob W. Meyers, Jun.,</i>	do.	do.
<i>R. C. A. M'Lean,</i>	Belville,	do.
<i>Ed. Fidler,</i>	Rawdon,	do.
<i>R. Parker,</i>	do.	do.
<i>Wm. Emmerson,</i>	Hungerford,	do.
<i>John Macaulay,</i>	do.	do.
<i>Wm. Bowen,</i>	Frankford,	do.
<i>Henry Smith,</i>	Belleville,	do.
<i>Joshua Garrison,</i>	Sidney,	do.
<i>Peter Davison,</i>	do.	do.
<i>James Sharp,</i>	do.	do.
<i>John Scott,</i>	Frankford,	do.
<i>Jacob W. Meyers, Sen.,</i>	Belville,	do.
<i>Miss Irvine, daughter of</i> } <i>late Wm. Irvine,</i> }	5th Con. Sidney,	do.
<i>H. N. Griffin,</i>	Madoc,	do.
<i>Elijah Sables,</i>	do.	do.
<i>Donald M'Kenzie,</i>	Belville,	do.
<i>Wm. Fox,</i>	Madoc,	do.

NAMES.	RESIDENCE.	DISTRICTS.
<i>Barney Collins,</i>	Bellville,	Hastings.
<i>Henry Collins,</i>	do.	do.
<i>Richard Trugent,</i>	Thurlow,	do.
<i>John M'Coy,</i>	Huntingdon,	do.
<i>David Zerou,</i>	Madoc,	do.
<i>Simon M'Kenzie,</i>	do.	do.
<i>Mathias Ross,</i>	Thurlow,	do.
<i>Augustus Lemerand,</i>	Huntingdon,	do.
<i>Philip Lake,</i>	do.	do.
<i>John Ketcheson,</i>	Sidney,	do.
<i>David Ketcheson,</i>	do.	do.
<i>John Squires,</i>	Huntingdon,	do.
<i>James Frazer,</i>	Napanee,	Midland District.
<i>Samuel Reid,</i>	Thurlow,	Hastings.
<i>John Carter,</i>	do.	do.

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List of Witnesses in  
behalf of petitioners.

<i>Salyea Read,</i>	Thurlow,	do.
<i>John Thompson,</i>	Bellville,	do.
<i>John Carter,</i>	Thurlow,	do.
<i>Hugh Crauford,</i>	Marmora,	do.
<i>James Jones,</i>	do.	do.
<i>John Fair,</i>	Rawdon,	do.
<i>Thomas Wright,</i>	do.	do.
<i>Robert Talbot,</i>	Kingston,	Midland District.
<i>Wm. Spence,</i>	Rawdon,	Hastings.
<i>H. P. Watkins,</i>	do.	do.
<i>Thomas Kirkpatrick,</i>	Kingston,	Midland District.
<i>R. Lezier,</i>	Tyendinaga,	Hastings.
<i>A. Campbell,</i>	Napanee,	do.
<i>John Smith,</i>	Bellville,	do.
<i>Wheatley Church,</i>	do.	do.
<i>G. Benjamin,</i>	do.	do.
<i>D. Canniff,</i>	Thurlow,	do.
<i>Alexander Macdonald,</i>	do.	do.
<i>Frazer Liddle,</i>	do.	do.
<i>Wm. Ashley,</i>	do.	do.
<i>R. J. Hopkins,</i>	Pictou,	Prince Edward District.
<i>Harvey Fowler,</i>	Thurlow,	Hastings.
<i>George Bleeker,</i>	do.	do.
<i>Oliver Mott,</i>	do.	do.
<i>John Thomson,</i>	do.	do.
<i>John Canniff,</i>	do.	do.
<i>John Bowerman,</i>	do.	do.
<i>John Spafford,</i>	do.	do.
<i>Owen Ketcheson,</i>	Madoc,	do.
<i>Henry Alkenbrack,</i>	Thurlow,	do.
<i>John Emmerson,</i>	do.	do.
<i>Stephen Gilbert,</i>	Sidney,	do.
<i>Miss Hamilton,</i>	Huntingdon,	do.
<i>John Lawrence,</i>	Sidney,	do.
<i>Philip Nott,</i>	Thurlow,	do.
<i>Jacob Sills,</i>	do.	do.
<i>John Reynolds,</i>	do.	do.
<i>Nathan Jones,</i>	do.	do.
<i>James C. Morden,</i>	Tyendinaga,	do.
<i>Booth,</i>		
<i>Peter Davy,</i>	Bath,	Midland District.
<i>Joseph M'Caw,</i>	Pictou,	Prince Edward District.
<i>Benjamin Dougall,</i>	Bellville,	Hastings.
<i>Francis M'Anny,</i>	do.	do.
<i>Noble Barry,</i>	Sidney,	do.
<i>Josiah Packham,</i>	Thurlow,	do.
<i>Thomas Vanalstine,</i>	Sidney,	do.
<i>Stephen W. Randell,</i>	Tyendinaga,	do.
<i>Thomas Kirkpatrick,</i>	Kingston,	Midland District.
<i>John S. Cartwright,</i>	do.	do.
<i>Thomas Robinson,</i>	do.	do.
<i>John W. Longwell,</i>	Sidney,	Hastings.
<i>Samuel Ross,</i>	Thurlow,	do.
<i>Wm. Sills,</i>	do.	do.
<i>Michael Dajoe,</i>	Sidney,	do.
<i>Stephen Munn,</i>	do.	do.
<i>Cornelius Kelly,</i>	do.	do.
<i>Gilbert P. Sharp,</i>	do.	do.
<i>Michael M'Cabe,</i>	do.	do.
<i>James Vincent,</i>	Thurlow,	do.
<i>Oliver Burdett,</i>	Tyendinaga,	do.
<i>Miles Shorey, Jun.,</i>	Napanee,	Midland District.

NAMES.	RESIDENCE.	DISTRICTS.
<i>James Fraser,</i>	Kingston,	do.
<i>Charles Marsh,</i>	Sidney,	Hastings.
<i>William Irvine,</i>	Huntingdon,	do.
<i>Alex. M'Nab</i>	Kingston,	Midland District.
<i>Thos. M'Niare,</i>	do.	do.
<i>James M'Ginnis,</i>	Bellville,	Hastings.
<i>Henry W. Tozer,</i>	Thurlow,	do.

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<i>Wm. Cunningham,</i>	Hallowell,	Prince Edward District.
<i>Philip D. Hicks,</i>	Thurlow,	Hastings.
<i>Archib. Thompson,</i>	Huntingdon,	do.

List of Witnesses in  
behalf of sitting  
member.

Mr. Baldwin handed in a List of Witnesses in behalf of himself as the Sitting Member for the County of *Hastings*, which was also read by the Clerk, as follows : —

NAMES.	RESIDENCE.	NAMES.	RESIDENCE.
<i>George Taylor,</i>	Thurlow.	<i>Henry W. Yager,</i>	do.
<i>John W. Maybe,</i>	do.	<i>B. F. Davy,</i>	Belleville.
<i>Thomas Scott,</i>	Village of Frankford.	<i>Peter Merritt,</i>	Rawdon.
<i>G. R. Huffman,</i>	Madoc.	<i>William Hutton,</i>	Sidney.
<i>The Widow Chisholm,</i>	Sidney.	<i>Peter O'Rielly,</i>	Belleville.
<i>Archibald Griffin,</i>	do.	<i>Tobias J. W. Meyers,</i>	do.
<i>Benjamin Turner,</i>	do.	<i>John Wonnacott, Jun.,</i>	do.
<i>Gideon Turner,</i>	do.	<i>Samuel Stephens,</i>	do.
<i>N. S. Reynolds,</i>	Bellville.	<i>Isaac Canniff,</i>	Thurlow.
<i>Rev. Mich'l Brennan,</i>	do.	<i>Joseph P. Caverly,</i>	Sidney.
<i>Alex. M'Kenzie,</i>	Thurlow.	<i>Garrett Garrison,</i>	do.
<i>George D. M'Mullin,</i>	Rawdon.	<i>Peter Moon,</i>	Hungerford.
<i>David Gerrow,</i>	Thurlow.	<i>Isaac Denike,</i>	Thurlow.
<i>Wm. Fairman,</i>	do.	<i>Cyrus Riggs,</i>	Madoc.
<i>Peter Gerrow,</i>	do.	<i>Richard Little,</i>	Thurlow.
<i>Daniel Gerrow,</i>	do.	<i>Noah Harris,</i>	Sidney.
<i>Benjamin Gerrow,</i>	do.	<i>Tobias Bleeker,</i>	Belleville.
<i>Billa Flint, Jun.,</i>	Bellville.	<i>Richard O'Rielly,</i>	Tyendinaga.
<i>John Turnbull,</i>	do.	<i>John Martin,</i>	Hungerford.
<i>Daniel Smith,</i>	Tyendinaga.	<i>Patrick Gillegan,</i>	do.
<i>James M'Donald,</i>	Picton, Prince Ewd.	<i>Henry Lasher,</i>	Ernest-town.
<i>John Ross,</i>	Belleville.	<i>Robert Talbott,</i>	Kingston.
<i>J. W. D. Moodie,</i>	do.	<i>A. Thibodo,</i>	do.
<i>Returning Officer.</i>		<i>Widow Strange,</i>	do.
<i>W. H. Pontow, Poll Clerk</i>	do.	<i>Robt. C. A. M'Lean,</i>	Deputy Registrar of Co. Hastings.
<i>Robert Portt,</i>	Tyendinaga.	<i>Charles Harris,</i>	} Sidney.
<i>Simon Ashley,</i>	Thurlow.	<i>Asahel Harris,</i>	
<i>Dr. D. Fairfield,</i>	do.	<i>James O'Hurn,</i>	Madoc.
<i>Robert M'Kay,</i>	Shamondville.	<i>William Chard,</i>	Rawdon.
<i>Thos. D. Appleby,</i>	Tyendinaga.	<i>Eduard Fidler,</i>	do.
<i>Mrs. A. F. Benson,</i>	} Belleville.	<i>Charles Davis,</i>	Madoc.
<i>C. O. Benson,</i>		<i>William Dajoe,</i>	Thurlow.
<i>Joseph Canniff,</i>	Thurlow.	<i>Henry Jones,</i>	Sidney.

On motion of Sir Allan McNab, seconded by Mr. Boswell,  
*Ordered* — That the committee appointed to try the Petition of *T. Parker*, and others, of the County of *Hastings*, in the District of *Victoria*, complaining of the undue election and return of *Robert Baldwin*, Esquire, do meet in a committee room of this House to-morrow, at 1 o'clock, P. M.

On motion of Mr. Small, seconded by Mr. Hincks,

*Resolved* — That this House do nominate and appoint, under the hand and seal of the Speaker, three Commissioners, for the purpose of examining the witnesses of the Parties in the matter of the controverted election for the Town of *Niagara*, and that *John Shuter Smith*, *Jacob Keeper, Jr.*, and *Edward McMahon*, Esquires, be such Commissioners, who shall be authorized and empowered to hold their sittings at *Niagara*, on *Tuesday* next, the 20th instant, with *John Shuter Smith*, Esquire, as Chairman of the said Commission.

Mr. Hale, Chairman of the Select Committee appointed to try the merits of the Petition of *Robert Melville* and *John McBride*, electors of the Town of *Niagara*, complaining of the undue election and return of *Edward Clarke Campbell*, Esquire, sitting member for the said Town of *Niagara*, reported to the House.

Select Committee to  
meet at one o'clock,  
P. M.

Commission appointed  
to receive evidence  
in the matter of  
the Niagara contested  
election.

Committee on Niagara  
contested election  
report absence  
of members.



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That they had met, daily, since their appointment, but were obliged to adjourn, without proceeding to business, on the 9th instant, in consequence of the absence of *Caleb Hopkins* and *Donald McDonald*, Esquires, members of the said Committee; and upon this day, in consequence of the absence of *Caleb Hopkins* and *John Gilchrist*, Esquires, members of the said committee.

On motion of Mr. *Hale*, seconded by Mr. *Thorburn*,

Sittings of Committee  
adjourned until  
26th Inst.

*Ordered*—That the Committee appointed to try the merits of the Petition of *Robert Melville* and *John McBride*, electors of the Town of *Niagara*, complaining of the undue election and return of *E. C. Campbell*, Esquire, as representative of the Town of *Niagara*, be adjourned until the 26th instant.

Com. on Huron  
contested election re-  
ports absence of its  
members.

Mr. *Christie*, Chairman of the Committee appointed to try the merits of the Petition of *William Dunlop*, of *Gairbraid*, in the County of *Huron*, Esquire, complaining of the undue election and return of *James McGill Strachan*, Esquire, as a member to represent the County of *Huron*—Reported to the House that, on the 8th and 9th instant, Mr. *Morris*, one of the members of the committee, was absent, from sickness, and that, on the 10th and 12th instant, Mr. *Morris* and Mr. *Robertson*, were also both absent, from sickness.

On motion of Mr. *Prince*, seconded by Mr. *Thorburn*,

Mr. Haggerty  
appointed chairman  
to commission on  
Huron contested  
election.

*Resolved*—That *John H. Haggerty*, Esquire, one of the Commissioners named to take evidence upon the controverted election for the County of *Huron*, be appointed by this House as Chairman of the said Commission, and that he be such Chairman accordingly.

On motion of Mr. *Prince*, seconded by Mr. *Sherwood*,

Copy of Poll Book to  
be sent to Com-  
mission.

*Resolved*—That the Speaker do order the Clerk of the Crown in Chancery to transmit to the Chairman of the Commissioners appointed to take evidence on the *Huron* controverted election, a certified copy of the poll book taken at such election.

On motion of Mr. *Prince* seconded by Mr. *Sherwood*.

Sittings of Committee  
adjourned until  
17th August.

*Ordered*—That the Committee appointed to try the merits of the Petition of *William Dunlop*, of *Gairbraid*, in the County of *Huron*, Esquire, complaining of the undue election and return of *James McGill Strachan*, Esquire, as a member to represent the County of *Huron*, be adjourned until the 17th day of *August* next, then to meet in one of the committee rooms of this House at 11 o'clock, A. M.

On motion of Mr. *Black*, seconded by Mr. *Boswell*,

Time postponed for  
taking into con-  
sideration the con-  
tested election for  
City of Toronto.

*Ordered*—That the time fixed by the order of this House, of the 28th of *June* last, for taking into consideration the Petition of *Henry Sherwood*, Esquire, complaining of the undue election and return of the Honourable *John H. Dunn*, and *Isaac Buchanan*, Esquire, be extended till next *Monday* fortnight, at the hour of 3 o'clock, P. M., and that notice to that effect in writing be forthwith given, by Mr. Speaker, to the Petitioner and the Sitting Member.<sup>2</sup>

Here again the delay was objected to, by Mr. *Baldwin*, who concluded by saying, if those hon. members, were unlawfully in possession of their seats, they should be ousted as soon as possible.<sup>3</sup>

Mr. *Thorburn* remarked that only fourteen days were allowed for a petition against a return to lie upon the table without any action of the House being had upon it. The fourteen days expire to-day, and if no intimation has been given of the intention of the petitioners to follow up the matter, he did not think that the motion should be made at all.<sup>4</sup>

Mr. *Small* observed that one of the Committies (sic) now sitting, would probably finish their labors, and report, in the course of the week. This matter should not therefore be ((put)) off too long.<sup>5</sup>

**Mr. Black** moved a similar motion with regard to the contest for the second Riding of the County of York.<sup>6</sup>

**Mr. Hale** hoped the hon. gentleman would name a different day. They had been caught in that sort of trap once already. — Two Committies (sic) have been moved for on the same day.<sup>7</sup>

**Mr. Hincks** recommended that a different day would be appointed in order to avoid all difficulty.<sup>8</sup>

The day was altered to the 27th Inst. ....<sup>9</sup>

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Time for considering the matter of the second Riding of York contested election postponed.

On motion of **Mr. Black**, seconded by **Mr. Boswell**,

*Ordered* — That the time fixed by the order of this House of the 28th June last, for taking into consideration the Petitions of electors of the Second Riding of the County of York, and of *Connell James Baldwin*, Esquire, complaining of the undue election and return of *George Duggan*, Esquire, be extended till Tuesday, the 27th instant, at the hour of 3 o'clock, P. M., and that notice to that effect, in writing, be forthwith given, by Mr. Speaker, to the Petitioner and the Sitting Members.

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Leave of absence to Mr. Jones.

*Ordered* — That **Mr. Jones** have leave to absent himself from the sittings of the select committee appointed to try and determine the merits of the Petition of *T. Parker*, and others, of the County of *Hastings*, in the District of Victoria, complaining of the undue election and return of *Robert Baldwin*, Esquire, as a member to represent the County of *Hastings*, in the present Parliament, on account of ill-health.

List of objected votes to be handed in by the parties, to Niagara contested election.

On motion of **Mr. Baldwin**, seconded by **Mr. Small**,

*Resolved* — That the petitioners complaining of the undue election and return of *Edward C. Campbell*, Esquire, for the Town of *Niagara*, and the sitting member, do exchange, on or before Thursday next, at 11 o'clock, A. M., lists of the voters objected to, giving the several heads of objection, and distinguishing the same against the names of the voters excepted to by them respectively — such lists to be delivered to the parties or their agents.<sup>10</sup>

**Mr. Thorburn** said that he was not altogether certain that the House was at liberty to make such an order. The sitting Member may not be prepared to furnish such list. He felt in duty bound, upon this ground, to oppose the motion.<sup>11</sup>

**Mr. Campbell** said, if the hon. and learned gentleman had given him any intimation of his intention to make such a motion, he would have been prepared to furnish the list; but under the circumstances he would object to the motion of the hon. gentleman.

If at the beginning of the Session it had been made a standing rule, that all parties should give in a list of voters objected to, he would have been prepared to comply with it, but instead of this being the case, he had not even until this moment heard it suggested that such a proceeding would be required. It was an *ex post facto* resolution, and was entirely contrary to all precedent. Another objection as regarded his own particular case was, that he was a long distance from the town which he represented, and it would be utterly impossible to procure the required lists within the time specified by the hon. gentleman in his motion.

There was no other reason why he would object to the motion the Returning Officer for the Town of *Niagara* had been complained of, and that compliant (sic) was still pending; a Committee should be appointed to determine upon that complaint, before any other proceedings were had on the matter. The proposition of the hon. and learned gentleman was altogether unprecedented, and he would vote against the motion.<sup>12</sup>

**Mr. Hincks** said he was really astonished to hear the hon. and learned gentleman say that the motion was unprecedented. It was precisely the course which had been followed in the case of the Huron Election. It was evidently a reasonable proposition. How could the parties go into the evidence at all, unless the votes objected ((to)) were to be known? <sup>13</sup>

**Att'y. Gen. Draper** said, it appeared to him that even if the motion were adopted, it would be wholly inoperative as far as regards the expediting the receiving of testimony by the Commission which must necessarily be appointed. By what authority were they to restrain the commissioners from taking evidence in such manner as they pleased; they would not be confined to the lists furnished them. He merely threw out these hints for the consideration of the House.<sup>14</sup>

**Mr. Baldwin** said with respect to that, the resolution was only directory. The committee would not of course be restrained by it, but would be at liberty to receive evidence as fully as they might consider necessary. With regard to the remarks, which had been made by the hon. gentleman, the sitting member for Niagara, he was not precisely aware of the object of them. If the hon. gentleman had intended to impute to him, (Mr. Baldwin) any desire to take him by surprise, he would assure the hon. gentleman that he had no such desire. That hon. gentleman was perfectly well aware that a petition had been (sic) presented against his return and that it was intended to be proceeded upon. With respect to the time for delivering the list he (Mr. Baldwin) was perfectly willing to name a more distant day that might be convenient to the hon. gentleman himself. But if the objection of the hon. gentleman is to delivering the list at all, what would be the consequence? The whole election would have to be gone over again. Every voter upon the polls would have to be brought up, and his qualification entered into. He (Mr. Baldwin) was certain that the hon. Gentleman was not supported in the position he had taken by any precedents, because it is obvious there must be a large number against whose votes there can be no objection. With regard to precedents the gentleman would find that all precedents were in favor of the motion he had made. There could be no doubt the ends of justice would be best obtained by the delivery of such a list as his motion required. Such time might be set as would suit the hon. gentleman's convenience, but to say that lists should not be delivered at all, certainly appeared very much like an attempt to embarrass the proceedings of the house.<sup>15</sup>

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**Mr. Prince** moved, seconded by **Mr. Thorburn**,

House to meet at  
3 P. M. in future.

That this House do meet to-morrow at 3 o'clock, P. M., and on every future afternoon at 3 o'clock, P. M., (*Saturdays* excepted,) and that the 1st Rule of this House be suspended.

**Mr. Simpson** remarked that it was his intention to move that the rules of the house be referred again to a committee for revision.<sup>16</sup>

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The question having been put upon the said motion, a division ensued, and it was carried in the affirmative, and  
*Ordered*, accordingly.

Petitions brought up.

The following Petitions were severally brought up and laid on the table :—

Clergy, &c., of  
Church of England.

By **Mr. Jones**—The Petition of the Clergy and Members of the Church of *England*, and others, residing in the *Eastern Townships*, in the District of *Montreal*.

Louis Mousseau  
and others.

By **Mr. Armstrong**—The Petition of *Louis Mousseau*, and others, Proprietors of the Parish of *Berthier*, in the District of *Montreal*.

Medical Faculty,  
Montreal Benevolent  
Society.

By the Honorable **Mr. Moffatt**—The Petition of the Medical Faculty of *McGill College*—the Petition of the *Montreal Ladies Benevolent Society*, and others—the Petition of *Robert Armour*, and others, Merchants of the City of *Montreal*—and the Petition of the Board of Trade of *Montreal*.

Robert Armour  
and others.  
Board of Trade,  
Montreal.  
Jas. Carrol and  
others.

By **Mr. Hincks**—The Petition of *James Carrol*, and others, Her Majesty's Subjects, residing in the District of *Brock*.

Bishop of Toronto  
& others.

By the Honorable **Mr. Dunn**—The Petition of the Right Reverend the Bishop of *Toronto*, and others, the Clergy and Gentlemen of the City of *Toronto*.

J. Voyer.

By **Mr. Morin**—The Petition of *Jacques Voyer*, Esquire, of the City of *Quebec*—the Petition of *Charles M. Lebrun*, and others, electors of the County of *Beauharnois*—and the Petition of *J. S. Lewis*, and others, electors of the County of *Beauharnois*.

C. M. Lebrun  
and others.  
J. S. Lewis and  
others.



McCrae, McGregor  
and others.

M. M. Traxlar  
and others.

President & Directors  
of Shefford Academy.

Lewis Odell and  
others.

J. W. Kurczyn  
and others.

Æneas Bell.

J. B. Warren and  
others.

By Mr. Woods — The Petition of *William McCrae, Duncan McGregor*, and others, Magistrates and inhabitants of the *Western District* — and the Petition of *Michael M. Traxlar*, and others inhabitants of *Chatham, Camden, Harwich, and Howard*, in the *Western District*.

By Mr. Foster — The Petition of the President and Directors of the *Shefford Academy*.

By Mr. Delisle — The Petition of *Lewis Odell*, and others, Censitaires of the Seignory of *Lacole*, in the District of *Montreal* — and the Petition of *Nicholas J. W. Kurczyn*, and others, Grocers, of the City of *Montreal*.

By Mr. Small — The Petition of *Æneas Bell*, of the City of *Toronto* — and the Petition of *John B. Warren*, and other inhabitants of *Whitby*, in the *Home District*.

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By the Honorable Mr. Killaly — The Petition of *Ira Schofield*, and others, inhabitants of the Districts of *London* and *Brook*.

By Mr. Thompson — The Petition of the President, Directors and Company of the *Gore Bank*.

By Mr. Merrit — The Petition of *Daniel Quackinbush*, of *Queenston*, in the District of *Niagara*.

By Mr. Watts — The Petition of *James Millar*, and others, inhabitants of the County of *Drummond*.

By Mr. Christie — The Petition of *Frederick Dugas*, and others, Freeholders and inhabitants of *Carleton* and *Maria*, in the County of *Bonaventure* — the Petition of *Frederick Dugas*, and others, inhabitants of *Carleton*, in the *Bay Chaleurs*, County of *Bonaventure* — and the Petition of *Joseph Meagher*, and others, inhabitants of *Carleton*, in the County of *Bonaventure*.

By Mr. Campbell — The Petition of *Alexander Davidson*, Esquire, of *Niagara*.

By Mr. Roblin — The Petition of *John F. Sixsmith*, of the Town of *Kingston*.

By Mr. Burnet — The Petition of the *Protestant Female Orphan Asylum*, at *Quebec*.

By Mr. Baldwin — The Petition of *John O. Carroll*, of *Belleville*.

By Mr. Black — The Petition of *Noah Freer*, and others, of the City of *Quebec* — and the Petition of the Minister and Members of the Church of *England*, at *Riviere du Loup*.

By Mr. Attorney General Ogden — The Petition of the *Society of Education*, of the Town of *Three Rivers*.

*Petitions read.*

Pursuant to the order of the day, the following Petitions were read :

G. W. Blanchard  
and others.

Of *G. W. Blanchard*, and others, proprietors and inhabitants of the County of the *Lake of Two Mountains*, praying to be allowed by law to become members of the *Mutual Fire Insurance Company*, of the County of *Montreal*.

R. McKenzie and  
others.

Of *R. McKenzie*, and others, proprietors and inhabitants of the county of *Terrebonne*, in the District of *Montreal*, praying to be allowed by law to become members of the *Mutual Fire Insurance Company* of the County of *Montreal*.

F. Lussier, Esq.  
and others.

Of *Felix Lussier*, Esquire, and others, proprietors and inhabitants of the County of *Verchères*, praying to be allowed by law to become members of the *Mutual Fire Insurance Company* of the County of *Montreal*.

Corporation of  
*Quebec*.

Of the Corporation of the City of *Quebec*, praying that the inhabitants may be represented in the City Council by election, or that the powers granted to the said Council, of imposing new taxes, may be confirmed.

David Secord.

Of *David Secord*, of *St. David's*, District of *Niagara*, praying for a remuneration for services rendered during the *American Revolution*, and the late war with the *United States*.

James Oswald.

Of *James Oswald*, of the Township of *Stamford*, County of *Lincoln*, praying to be naturalized.

Thomas Oswald.

Of *Thomas Oswald*, of the Township of *Stamford*, County of *Lincoln*, praying to be naturalized.

Urson Harvey.

Of *Urson Harvey*, of *St. Davids*, County of *Lincoln*, praying to be naturalized.

J. S. Mignault and others.

Of *J. E. Mignault*, and others, proprietors and inhabitants of the County of *Richelieu*, praying to be allowed by law to become members of the Mutual Fire Insurance Company of the county of *Montreal*.

L. S. Lafontaine and others.

Of *Isidore S. Lafontaine*, and others, proprietors and inhabitants of the County of *Berthier*, praying that the Act 6, WILLIAM IV, Chapter xxxiii, intituled "*An Act to authorize the establishment of Mutual Insurance Companies against Fire accidents*," may be amended.

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Théophile Lemay, and others.

Of *Theophile Lemay*, and others, proprietors and inhabitants of the County of *Rouville*, praying to be allowed by law to become members of the Mutual Fire Insurance Company of the County of *Montreal*.

Richard Collier.

Of *Richard Collier*, of the *Niagara* District, praying to be naturalized.

C. Wetherall and others.

Of *C. Wetherall*, and others, inhabitants of the County of *Huntingdon*, praying to be allowed by law to become members of the Mutual Fire Insurance Company of the County of *Montreal*.

Natural History Society of Montreal.

Of the *Natural History Society of Montreal*, praying for an aid to carry out a systematic geological survey of the Province.

Rev. John Torrance and others.

Of the Reverend *John Torrance*, and Members of the Church of *England* of *Mascouche*, and other places, praying for the establishment of Schools in the new settlements of the Province, and for the general use of the Bible in the said Schools.

M. Fraser and others.

Of *Malcolm Fraser*, and others, Protestant Inhabitants of *Riviere du Loup*; District of *Quebec*, praying the same.

Rev. Wm. Brethour and others.

Of the Reverend *William Brethour* and others, members of the Church of *England*, of the county of *Beauharnois*, praying the same.

Church of England of Melbourne.

Of the Clergy and members of the Church of *England*, in *Melbourne*; and other places, praying the same.

John McDonald and others.

Of *John McDonald*, and others inhabitants of the townships of *Leeds* and *Lansdown*, praying for an Act to authorize the erection of a Bridge over the River *Gananoque*.

S. Garnsey and others.

Of *Samuel Garnsey*, and others, inhabitants of the township of *Bayham*, praying to have that county attached to the county of *Norfolk* in the District of *Talbot*.

James Mercer and others.

Of *James Mercer*, and others, inhabitants of the township of *Walpole*, praying for the re-annexation of that township to the county of *Norfolk*, in the District of *Talbot*.

James Covernton and others.

Of *James Covernton*, and others, Magistrates and inhabitants of the District of *Talbot*, praying for the enlargement of that District.

Edward Ellice and others.

Of *Edward Ellice*, and others, inhabitants of *Beauharnois* in the county of *Beauharnois*, praying compensation for losses sustained during the late rebellion.

A. Archambault and others.

Of *A. Archambault*, and others, proprietors and inhabitants, of the County of *St. Hyacinthe*, praying to be allowed by law to become members of the Mutual Fire Insurance Company for the county of *Montreal*.

David Jones and others.

Of *David Jones* and others, Magistrates and Freeholders, of the *Eastern* and *Ottawa* Districts, praying for a grant of money to repair the post road from *Cornwall* to *L'Orignal*.

A. D. Fordyce and others.

Of *A. Dingwall Fordyce*, and others, Magistrates and Freeholders in the District of *Wellington*, praying for an Act to authorize the continuation of an extra rate until the loan for the erection of a Gaol shall have been paid off.

A. D. Fordyce and others (2).

Of *A. Dingwall Fordyce*, and others, Magistrates and Freeholders of the District of *Wellington*, praying that the Act intituled "*An Act erecting certain parts of the Counties of Halton and Simcoe into a new District, by the name of the District of Wellington*," be amended.

Alex. Young  
and others.  
Quebec Bank.

Of *Alexander Young*, and others, Censitaires, of the Seignories of *Noyan* and *Faucault*, praying for a commutation of the Feudal Tenure.

Of the President, Vice President, and Directors, representing the Stockholders of the *Quebec Bank*, praying for a new charter.

Bishop of Montreal  
& others.

Of the Right Reverend the Bishop of *Montreal*, and others, proprietors of land in the Seignory of *Saint Gabriel*, praying for an aid to build a bridge over the River *Jacques Cartier*.

Alex Lewis and  
others.

Of *Alexander Lewis*, and divers others, of the Townships of *Caledon*, *Albion*, *Mono*, and other places, praying for an aid to repair the roads in their Townships.

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John Rae and others.

Of *John Rae*, and other inhabitants of *Kempt Road*, in the County of *Bonaventure*, praying for a grant of money as a salary for a teacher.

R. W. Kelly  
& others.

Of *Robert W. Kelly*, and other inhabitants of the upper part of the County of *Gaspé*, complaining of the want of roads and schools, and of the inconvenience attending the holding of the Circuit Court in summer, and praying relief.

Dun. McDonald  
and others.

Of *Duncan McDonald*, and others, inhabitants of the Town of *Cornwall*, praying to be relieved from the assessment for the County of *Stormont*.

Rev. Wm. Ryerson  
and others.

Of the Reverend *William Ryerson*, and others, composing the Board of the *Upper Canada Academy*, praying an Act of Incorporation of the said Academy into a College.

Hon. M. Bell and  
others.

Of the Honorable *M. Bell*, and others, inhabitants of the District of *Three Rivers*, complaining of the dismemberment of that District, and the removal of the chief seat of Judicature in the said District from the town of *Three Rivers*.

Wm. Robinson  
and others.

Of *William Robinson*, and others, inhabitants of the Township of *Trafalgar*, praying for a grant of fifty pounds to repair the road between the fourth and fifth Concessions of said Township.

Rev. Andrew Balfour  
and others.

Of the Reverend *Andrew Balfour*, and others, residents in the Township of *Shefford*, praying for the establishment of Schools in the new settlements of the Province, and for the general use of the Bible in the said Schools.

*Petitions referred.*

Felix Lussier,  
Esq. and others.

*Resolved* — That the Petition of *Felix Lussier*, Esquire, and others, proprietors and inhabitants of the county of *Verchères*, be referred to a committee of five members, to examine the contents thereof, and report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers and records.

*Ordered* — That the Honourable Mr. *Viger*, the Honorable Mr. *Moffatt*, Mr. *Boutillier*, Mr. *Armstrong*, and Mr. *Quesnel*, do compose the said Committee.

Of J. E. Mignault  
and others.

*Ordered* — That the Petition of *J. E. Mignault*, and others, proprietors and inhabitants of the County of *Richelieu*, be referred to the said Committee.

Of A. Archambault  
and others.

*Ordered* — That the Petition of *A. Archambault*, and others, proprietors and inhabitants of the County of *St. Hyacinthe*, be referred to the said Committee.

Of Isidore S. Lafon-  
taine and others.

*Ordered* — That the Petition of *Isidore S. Lafontaine*, and others, proprietors and inhabitants of the County of *Berthier*, be referred to the said Committee.

Of C. Wetherall  
and others.

*Ordered* — That the Petition of *C. Wetherall*, and others, inhabitants of the County of *Huntingdon*, be referred to the said Committee.

Of the Quebec Bank.

*Ordered* — That the Petition of the President, Vice President, and Directors, representing the Stockholders of the *Quebec Bank*, be referred to the Special Committee to which was referred the Petition of the President, Directors and Company of the Bank of *Upper Canada*, and other references.



Of the Rev. Wm.  
Ryerson and others.

*Resolved* — That the Petition of the Reverend *William Ryerson*, and others, composing the board of the *Upper Canada Academy*, be referred to a Committee of five members, to examine the contents thereof, and report thereon with all convenient speed, by Bill or otherwise, with power to send for persons, papers, and records.

*Ordered* — That *Mr. Boswell*, *Mr. Williams*, *Mr. Roblin*, *Mr. Solicitor General Day*, and *Mr. Baldwin* do compose the said committee.

Of the Montreal  
Ladies Benevolent  
Society.

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*Resolved* — That the Petition of the *Montreal Ladies Benevolent Society*, and others, be referred to a Committee of five members, to examine the contents thereof and report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

*Ordered* — That the Honourable *Mr. Moffatt*, *Mr. Quesnel*, *Mr. Delisle*, *Mr. Dunscomb*, and *Mr. Holmes*, do compose the said Committee.

On motion of *Mr. Neilson*, seconded by *Mr. Noel*,

Com. of whole on  
Friday next, on  
Ordinances of  
Governor and  
Council.

*Resolved* — That this House will, on *Friday* next, resolve itself into a Committee of the whole House to consider any and what amendments are necessary to two certain Ordinances of the Governor and Special Council of the late Province of *Lower Canada*, relating to the incorporation of the City of *Quebec*.

Petition of  
Corporation of  
Quebec referred.

*Ordered* — That the Petition of the Corporation of the City of *Quebec*, be referred to the said Committee.

Committee on  
Petition of *Sharrard*  
& *Henry*, report  
Bill for Religious  
Denominations to  
hold lands, and a  
Bill to enable them  
to celebrate  
Matrimony.

*Mr. Williams*, from the Special Committee to which were referred the petitions of *James W. Sharrard*, and *Thomas Henry*, *Christian Ministers*, of the *Home District*, and of the People denominated *Bible Christians*, with power to report by Bill or otherwise, presented to the House a Bill to enable Religious Societies of all denominations of Christians, to hold the lands requisite for certain purposes therein mentioned, which was received and read for the first time.

And also a Bill to enable the Ministers of all denominations of Christians to solemnize marriage, under certain restrictions, which was also received and read for the first time.

*Ordered* — That the Bill to enable Religious Societies of all denominations of Christians to hold the lands requisite for certain purposes therein mentioned, be read a second time this day week.

*Ordered* — That the Bill to enable the Ministers of all denominations of Christians to solemnize marriage, under certain restrictions, be read a second time this day week.

*Mr. Hamilton*, from the Special Committee to which was referred the Bill to regulate the Fisheries in the District of *Gaspé*, presented to the House the report of the said Committee, which was again read at the Clerk's table, as followeth : —

Report of Select  
Committee on Gaspé  
Fisheries Bill.

Your Committee having ascertained the fact that legislative enactments were essentially requisite to regulate the important Fisheries in the said District, and to protect its trade, have adopted, with certain amendments, all that part of the Bill relating to the Cod Fisheries.

Your Committee regret to find, that the value of the Salmon Fisheries has considerably decreased in the said District, and being of opinion that such decrease may probably be owing to the absence of those wholesome regulations which have been adopted in other countries for the preservation of such fisheries, and to the permission of a practice, condemned both in *England* and *Scotland*, of using stake nets in the rivers, have thought it advisable (the Salmon Fishery being over for the present season) to strike out the several clauses in the said Bill, relating to the Salmon Fisheries, and have prepared questions to be submitted to those persons engaged in the same and interested in the trade connected with them, in order that answers may be forwarded to

the Clerk of the House before the next session of the Provincial Parliament, when a permanent law may be passed for the preservation of the Salmon and the regulations of Salmon Fisheries, in the said District.

(Mr. *Christie* dissents from that part of the report which attributes the falling off, of the Salmon Fishery, to the practice of using stakes : —

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This is not the fact, — the Salmon Fishery cannot, in the *Ristigouche*, be carried on without the use of stakes. — In other respect he agrees with the report.)

*Ordered* — That the said Bill and report be referred to a Committee of the whole House on *Monday* next.

The Honourable *S. B. Harrison*, presented, pursuant to an Address to His Excellency, the Governor General, of the first instant, a return of the amount of duties levied at *Bytown* upon timber floated down the River *Ottawa*, for the last five years, specifying the amount paid in each year, and upon what description of timber, and also, if any, and what portion of such duties has been expended upon the improvement of the navigation of the *Ottawa*, at, or above *Bytown*.

For the said Return see Appendix (G.)

*Ordered* — That Mr. *Price* have leave to absent himself from this House until *Wednesday* the *fourteenth* Instant.

*Ordered* — That Mr. *Jones* have leave to absent himself from this House on account of indisposition.

On motion of Mr. *Neilson*, seconded by Mr. *Cameron*,

*Ordered* — That the Order of the day for the House in Committee to take into consideration the Petition of *William Walker*, and other inhabitants of the City of *Quebec*, relating to the Timber Trade, lost by the adjournment of the House of *Friday* last, be revived, and that this House will, on to-morrow, resolve itself into the said Committee.

On motion of Mr. *Simpson*, seconded by Mr. *Hincks*,

*Resolved* — That the Committees on currency, and on Banking Petitions, be consolidated, and that it be an instruction to the same to ascertain the most advisable standard or standards of the value for the currency of the Province, and the regulating the exchange thereof ; and to consider the expediency of one general system of Banking for the Province, to report from time to time ; with power to send for persons, papers, and records.

*Ordered* — That the Honourable Mr. *Harrison*, and Mr. *Quesnel* be added to the said Committee.

On motion of Mr. *Hincks*, seconded by Mr. *Dunsmob*,

*Ordered* — That it be an instruction to the Select Committee on currency and Banking to inquire into the operation of the existing Usury Laws on the Agricultural and Commercial interest of this Province, and that the said Committee have the same powers with reference to this, as to the other subjects now under their consideration.

Mr. *Thorburn* moved, seconded by Mr. *Neilson*,

That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to issue his warrant in favor of the Speaker of this House for the sum of five thousand Pounds, to be applied in liquidation of the contingent expenses due by the Legislature of the late Province of *Upper Canada*, and toward the payment of the contingencies of this House consequent on the present session.<sup>17</sup>

Mr. Christie, a member of the Committee, dissents.

Return of duties levied at Bytown on timber, presented to the House.

Mr. Price obtains leave of absence.

Mr. Jones obtains leave of absence.

Order of day relating to pet. of W. Walker, revived.

Committees on Banking and on Currency consolidated.

Com. on Banking to inquire into usury laws.

Address to His Excellency to issue warrant for payment of certain contingencies.

Mr. *Moffatt* suggested that the proper course would be to introduce a bill for the payment of those expenses.<sup>18</sup>

**Mr. Black** said he doubted whether the expenses of the House of Assembly of Upper Canada could have any connexion with the contingent expenses of this house.<sup>19</sup>

**Mr. Neilson** said the hon. gentleman had given notice of this motion several days ago, and although it is true that the contingent expenses of the late House of Assembly of Upper Canada formed no part of the current expenses of this house, yet as the funds of this province were now in common, he thought that all arrearages should be paid; it was wrong that the servants of the public should be deprived of their salaries.<sup>20</sup>

**Mr. Thorburn** said he had repeatedly endeavored to bring the matter before the house, and he had repeatedly found various obstacles presenting themselves. He believed there were some of the servants of that house who had not the means of subsistence, and were living in the daily hope of receiving aid from the house, the accounts were already to be placed before the committee, there could be no irregularity in adopting the course he had proposed, it had been the usual practice in Upper Canada.<sup>21</sup>

**Mr. Aylwin** said he was exceedingly unwilling to oppose the motion of the hon. gentleman, and if he rose to speak upon this question, it was not to throw any obstacles in the way of the motion, but he could not refrain from declaring that he heartily concurred in the remarks which had fallen from the hon. member for Quebec, that the servants of the house of Upper Canada are not the servants of this house; there seemed to be an attempt to place in the category of the contingent expenses of this house, expenses which were incurred before the existence of this house. There was no one who felt more than he did, that the honour of the Government was compromised (sic) when the wages of public servants are allowed to fall into arrears. It must be recollected that a new system has been introduced, and if public servants had not been paid, those who ought to hear the blame were those hon. gentlemen on the Treasury Benches; a representation coming from them he (Mr. Aylwin) would listen to with respect.<sup>22</sup>

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The question having been put upon the said motion, a division ensued, and it was carried in the affirmative, and—

*Resolved* accordingly.

*Ordered*—That the said Address be presented to His Excellency by such members of this House as are of the Honourable the Executive Council of this Province.

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On motion of **Mr. Black**, seconded by **Mr. J. S. M'Donald**,

Order of day for  
com. on Canada Fire  
Assurance Company  
bill, revived.

*Ordered*—That the Order of the day for the House in Committee on the Bill for incorporating the *Canada Fire Assurance Company*, lost by the adjournment of the House of *Wednesday* last, be revived, and that this House will, on to-morrow, resolve itself into the said Committee.

Order of the day on  
elections bill revived.

On motion of **Mr. Baldwin**, seconded by **Mr. Durand**,

*Ordered*—That the Order of the day for the second reading of the Bill the better to provide for the freedom of elections throughout this Province, and for other purposes therein mentioned, lost by the adjournment of the House of *Wednesday* last, be revived, and that the said Bill be read a second time on *Thursday* next, and that it be then the first item on the Order of the day.<sup>23</sup>

**Mr. Baldwin** rose and said he felt it necessary in consequence of the hon. gentleman on the treasury Benches not being ready to introduce a bill to provide for the freedom of elections; to bring forward a measure for that purpose; he waited a considerable time in expectation of such a bill from the officers of the government. He did not think it was consistent with the duty which they owed the country, to postpone the measure.<sup>24</sup>

**Mr. Harrison** said he felt it necessary to make one or two remarks upon this subject. It must have been in the knowledge of the hon. gentleman himself, that it was a subject which had been in the intention of the government to take up; delays occurred greater than were expected, though not so great but they might be reasonably accounted for—Probably in another week the bill would be prepared.<sup>25</sup>



The latter gentleman ((Mr. Baldwin asked)) ... of the Treasury benches, whether they contemplated any legislative act, to remove the nullity pending over the petitions against contested elections in the lower province — <sup>26</sup>

Mr. Ogden peremptorily said, *No. Elections were governed by the law of the land — if the member for Hastings was desirous of subverting the law, let him try.*<sup>27</sup>

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Address to His  
Excellency for cor-  
respondence from  
School visitor.

On motion of Mr. *Dunscomb*, seconded by Mr. *Holmes*,  
*Resolved* — That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House copies of the reports and correspondence received from the school visitor under the Ordinance 2 Vic. Cap. 43. in the county of *Beauharnois*.

*Ordered* — That the said address be presented to His Excellency by such members of this House, as are of the Honourable Executive Council of this Province.

House to go into  
committee of whole  
on rules.

On motion of Mr. *Simpson*, seconded by Mr. *Neilson*,  
*Resolved* — That this House will, on *Friday* next, resolve itself into a committee of the whole House to consider the expediency of altering, rescinding, or amending any of the rules of this House.

Order of day for  
House in Com.  
on additional loan  
for Gaol and Court  
House, in district of  
*Simcoe*, revived.

On motion of Mr. *Child*, seconded by Sir *Allan M'Nab*.  
*Ordered* — That the Order of the day for the House in Committee to consider the expediency of authorizing an additional Loan to complete the Court House and Gaol in the District of *Simcoe*, lost by the adjournment of the House on *Thursday* the 8th inst., be revived; and that this House will, on this day three weeks, resolve itself into the said committee.

Militia law amend-  
ment bill to be read  
second time.

*Ordered* — That the Bill to amend the Militia Law, of that part of the Province formerly constituting the Province of *Upper Canada*, be read a second time on *Friday* next.

Order of the day  
for Com. of whole  
on warehousing,  
&c., revived.

On motion of Mr. *Dunscomb*, seconded by Mr. *Black*,  
*Ordered* — That the Order of the day for the House in Committee to consider the expediency of introducing measures for the warehousing and Bonding of goods, in the several free warehousing Ports of this Province, lost by the adjournment of the House, on *Wednesday* last, be revived, and that this House will on *Wednesday* next, resolve itself into the said Committee.

Order of the day,  
for Com. of whole  
on Feudal Tenure  
revived.

On motion of Mr. *Dunscomb*, seconded by Mr. *Black*,  
*Ordered* — That the Order of the day for the House in Committee, to take into consideration the Laws, of that part of the Province heretofore known as *Lower Canada*, touching the tenure of Lands and commonly known as "Feudal Tenure," and to consider the expediency of altering and amending the same, and the best and most equitable mode of effecting the alterations that may be deemed necessary, lost by the adjournment of the House of *Wednesday* last, be revived, and that this House will, on *Monday* next, resolve itself into the said Committee.

Message to be sent  
to Leg. Coun. for  
attendance of certain  
members on Sel. Com.

*Resolved* — That a message be sent to the Honourable the Legislative Council, praying their Honours will permit the Honourable

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*René Edouard Caron*, and *John Frazer*, two of their members, to attend the Select Committee of this House, to which is referred that part of the Petition of certain Inhabitants of the county of *Saguenay*, relating to Winter Vehicles, on *Thursday* next, at ten o'clock in the forenoon, to be examined on the subject of the said reference.

*Ordered* — That Mr. *Parent*, do carry the said Message to the Legislative Council.

Order of day, on bill for relief of disabled and infirm persons, revived.

On motion of *Merritt*, seconded by Mr. *Thorburn*,  
*Ordered* — That the Order of the day for the second reading of the Bill for the relief of disabled and infirm persons, lost by the adjournment of the House, of *Wednesday* last, be revived, and that the said Bill be read a second time, on *Friday* next.

Order of day, for House in com. on the matter of Lower Canada contested elections, revived.

On motion of Mr. *Neilson*, seconded by Mr. *Noel*,  
*Ordered* — That the Order of the day for the House in Committee to consider the orders adopted by the late House of Assembly of *Lower Canada* for regulating its proceedings in cases of contested elections in that Province, lost by the adjournment of the House on *Thursday* last, be revived, and that this House will, on to-morrow, resolve itself into the said Committee, and that it be then the first Order of the day.

Order of day for House in com. on laws levying duties on imports, &c., revived.

On Motion of Mr. *Holmes*, seconded by Mr. *Dunscumb*,  
*Ordered* — That the Order of the day for the House in Committee, to consider the expediency of enquiring into the several laws levying duties on imports into this Province, and to consider the propriety of amending and consolidating the same, lost by the adjournment of the House, of *Wednesday* last, be revived, and that this House will, on *Friday* next, resolve itself into the said Committee.

House to go into com. of whole on Judicature acts relating to Gaspé.

On motion of Mr. *Christie*, seconded by the Honourable Mr. *Viger*,  
*Resolved* — That this House will, on *Tuesday*, the *twentieth* instant, resolve itself into a Committee of the whole House, to take into consideration the expediency of altering and amending the Judicature Acts, relating to the Inferior District of *Gaspé*.

Naturalization Bill brought in and read.

*Ordered* — That the Honourable Mr. *Harrison* have leave to bring in a Bill to secure and confer upon certain inhabitants of this Province the Civil and Political Rights of natural born *British* subjects.

He accordingly presented the said Bill, to the House and the same was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Monday* next.

Order of the day for second reading of ballot bill, revived.

On motion of Mr. *Small*, seconded by Mr. *Durand*,  
*Ordered* — That the Order of the day for the second reading of the Bill to authorize the voting by ballot, lost by the adjournment of the House of *Wednesday* last, be revived, and that the said Bill be read a second time on *Tuesday* the 20th instant.

Order of day for 2nd reading members seats vacation bill, revived.

On motion of Mr. *Small*, seconded by Mr. *Noel*,  
*Ordered* — That the order of the day for the second reading of the Bill to enable members of the Legislative Assembly, for places within that part of the Province formerly constituting the Province of *Upper Canada*, to vacate their seats in certain cases, and for other purposes, lost by the adjournment of the House of *Wednesday* last, be revived, and that the said Bill be read a second time on *Wednesday*, the 21st instant.

Bill, inspection of timber &c., read second time.

A Bill to regulate the inspection and measurement of timber, masts, spars, deals, staves, and other articles of a like nature, in the Ports of

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*Quebec* and *Montreal*, and for other purposes relative to the same, was, according to order, read a second time.

Mr. *Cameron* moved, seconded by Mr. *Noel*,

Bill referred to select committee.

That the said Bill be referred to a Select Committee, of seven members, to be composed of Mr. Solicitor General *Day*, Mr. *Derbishire*, Mr. *D. McDonald*, Mr. *Johnston*, Mr. *Brunet*, and the Honourable Mr. *Moffatt*, to report thereon with all convenient speed; with power to send for persons, papers, and records, and that the 77th Rule of this House be dispensed with, so far as relates to the appointment of this committee.

**Mr. Aylwin** said there was not one more anxious than himself, that some modification of a Legislative character should take place, but this was one of those subjects on which it is difficult to proceed correctly. He must express his dissatisfaction (sic) with the departure from the rules of the house, which the hon. gentleman had committed in naming the committee.<sup>28</sup>

**Mr. Cameron.** — The rules of the house have been departed from already, and he noticed an inconsistency, that by not observing this rule, they were unable to fulfil the other rules of the house, in appointing a committee upon any subject; those members should be selected who are favourable to the measures submitted. This could not be done if the committee were chosen by ballot.<sup>29</sup>

**Mr. Neilson.** — Every one is in favour of a given measure, unless he declares himself opposed to it.<sup>30</sup>

**Mr. Hincks** said he should support the motion of the hon. member. He believed the rule which prohibited the naming of the committee, by the moving of a resolution, was one which should be abrogated.<sup>31</sup>

**Mr. Viger** said that in his opinion the rule was a very good one; it was not right that a person bringing a measure into that house should name the committee to whom (sic) the measure should be referred. The object of appointing a committee is that the subject should be discussed, and information elicited. But if all the members of the committee are favourable to the measure, that full and thorough investigation which the house requires could not be obtained, he thought the rule should be adhered to it would then be in the power of certain hon. members to command the house.<sup>32</sup>

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The question having been put upon the said motion, a division ensued, and it was carried in the affirmative, and—

*Resolved* accordingly.

On motion of *Mr. Small*, seconded by *Mr. Simpson*,

*Ordered*—That the order of the day for the House in Committee on the 1st Report of the Special Committee appointed to enquire what assistance it will be necessary to afford to the Clerk, and what offices and departments it will be expedient to establish for the effective and orderly conduct of the business of this House, lost by the adjournment of the House of *Wednesday* last, be revived, and that this House will, on *Wednesday* next, resolve itself into the said Committee, and that it be then the first order of the day.

On motion of *Mr. Solicitor General Day*, seconded by *Mr. Black*,

*Ordered*—That the order of the day for the House in Committee, to take into consideration the expediency of presenting an humble Address to His Excellency, the Governor General, praying His Excellency to appoint a Commission for the purpose of revising the Statutes and Ordinances of that part of this Province formerly called *Lower Canada*, lost by the adjournment of the House of *Wednesday* last, be revived, and that this House will, on to-morrow, resolve itself into the said Committee.

Then, on motion of *Mr. Neilson*, seconded by *Mr. Aylwin*,  
The House adjourned.

#### Appendix, 12 July 1841.

((Unsigned Petition Presented.))

By **Mr. McLean**, who spoke too low to be heard.<sup>33</sup>

This petition was objected to, for want of signatures. *Mr. Speaker* ((*Cuvillier*)) brought it under the notice of the House.<sup>34</sup>

**Col. Prince** illustrated the evil of permitting the absence of this *sine qua non*. The gallant Colonel recited an instance of a Colonel of a regiment in Canada, suffering much annoyance,

Order of day for  
committee of whole  
on 1st report on  
clerk's office, revived.

Order of day for  
com. of whole on  
address to His Excel-  
lency on revising of  
statutes, revived.



and for a time unpopularity, by the action of a fabricated petition. It was presented, observed the member for Essex; with the signatures of from two to three hundred of his men, complaining of undue severity, and other grievances, and praying for the removal of the commanding officer. The Col. astounded, had the regiment paraded; when, *chose extraordinaire*, the men stepped forward and declared, they had never even seen the document!! They acknowledged having signed their names, but they were told it was for a very different purpose. The consequence was, to counteract the mischief, the friends of the gallant officer were obliged, at much trouble and expense to go through the country, and get up a *bona fide* petition, contradicting the whole of the forged allegations. Col. Prince also gave another instance of the character of a Magistrate being similarly affected by a petition, the signatures to which, obtained in blank, had been thus appended.<sup>35</sup>

Sir Allan ((MacNab)) requested to look at the petition before the House, and perceiving the *non disputanda* names of the quorum of the Quarter Sessions at the head of the list, was of opinion that such a collection of syllables was a sufficient guarantee to the subs that succeeded.<sup>36</sup>

Not so, Mr. Johnston; although it did contain four of five leading names, experience had taught him that even the initials J.P. (Justice of the Peace) might possibly be connected with instruments of rather a questionable character.<sup>37</sup>

Petition received.<sup>38</sup>

((Question Re : Money for Roads.))<sup>39</sup>

Mr. McLean said he had given notice some days ago of his intention to ask the Receiver General whether a sum of money which had been laid out in the construction of a public road in the Eastern part of the Province by commissioners appointed for that purpose, was likely to be paid from the Treasury.<sup>40</sup>

Mr. Dunn said he would state the circumstances under which the money was granted: the act granted £50,000 from the unappropriated funds in the Treasurer's hands. Since the passing of the act there have been no unappropriated funds (a laugh.) One dollar in the pound was advanced, and the commissioners went on to construct the work. Subsequently five shillings in the pound more was paid, but where the remainder was to come from was more than he (Mr. Dunn) was able to say.<sup>41</sup>

Col. Prince said in consequence of what had fallen from the hon. gentleman he would give notice that he would on Monday next, move an address to His Excellency the Governor General, for information upon the subject. Some hon. members might be disposed to treat the subject with levity, but he (Col. Prince) considered that the Government was pledged to make good the monies which had been expended by the Commissioners. — He was led to believe that there was now no chance of its being paid — so much for Government credit.<sup>42</sup>

((Question Re : Burlington Bay Canal.))<sup>43</sup>

Sir Allan MacNab rose and said he had given notice a few days since to the hon. gentleman at the head of the Board of Works, that he would ask whether it was the intention of the government to bring forward any measure respecting the Burlington Bay Canal. That work is going rapidly to decay. It is a work of great importance, and one which should not be suffered to be lost.<sup>44</sup>

Mr. Thorburn answered the gallant knight by saying, that of the £50,000 granted for the benefit of roads, only £25,000 had as yet been paid — inflicting much distress in those districts, where money had been raised for that purpose, on the strength of the grant. That until the remainder was paid, it could not be expected that a sum of money would be appropriated to other improvements, leaving a claim that had a prior right, unpaid.<sup>45</sup>

((Mr. Killaly)) answered ((Mr. MacNab)) that the matter was under consideration, and would shortly be decided upon; but he (Mr. Killaly) believed that it was one of the first works that would be attended to.<sup>46</sup>

((Questions Re : St. Lawrence Canal and Great Western Railroad.))

Mr. McLean ... asked what was going to be done with the St. Lawrence Canal.<sup>47</sup>

Mr. Prince then humourously claimed equal information, relative to the Great Western Railroad....<sup>48</sup>

Mr. Killaly was silent as to both, as he had not had previous intimation of the intended inquiries.<sup>49</sup>

((Notice of Proposed Motions.))

Mr. Draper gave notice, that on Monday next he would move for leave to bring a bill affecting Bankrupts, and the disposal of their effects.<sup>50</sup>

Mr. Duggan, that he would move for an address to the Governor-General, for copies of communications with the home Government.<sup>51</sup>

Mr. Day gave notice of a very important measure to be brought forward shortly, by the Government — Education in the province !! (hear, hear.)<sup>52</sup>

((Question Re : Political Amnesty for Rebellion Exiles.))<sup>53</sup>

Col. Prince rose and said, that as he observed every hon. member of the Executive Council who had seats in that house were present, he would give notice that he would, on Thursday next, put the following questions to them, namely, whether it was the intention of Her Majesty's government to introduce any measure for the relief and pardon of certain persons charged with political offences alleged to have been committed within the last four years.<sup>54</sup>

He knew that there were many who, like the *sans culottes* in the revolutionary days of France, could be called to memory only with abhorrence; but there was also numbers to whom the hand of mercy might be extended, without mistaken leniency. Of such men, the dupes of a crew of villains, he was not ashamed to step forward as the advocate. The punishment which they had suffered, ought to have been the portion of their leaders; of those men who, more elevated in infamy, have been cherished in proportion, to disseminate through the province, the miasma of their principles, with a more lingering and withering effect.<sup>55</sup>

A great number seemed to cast their eyes, perhaps mechanically, to the seats occupied by certain of the Opposition Members, whose names will at once occur to you.<sup>56</sup>

((Mr. Prince continued.)) The important changes about to take place in the Imperial Cabinet, if reports be true, render some prompt action upon this interesting subject necessary; and he sincerely hoped that the last act (would that it had been the first act!) of a *liberal* government would be to restore many, very many, of those misguided persons who had been temporarily seduced from their allegiance and loyalty by traitors and designing and dishonest knaves; but who, if suffered to return, would, as he (Col. Prince) verily believed, prove good and faithful subjects for the entire remainder of their lives, (hear, hear.)<sup>57</sup>

Footnotes — 12 July 1841.

1. To this motion there was made "some slight objection on the score of prolonged delay, from Sir A. Macnab." ST. CATHARINES JOURNAL, 29 July 1841, from BRITISH COLONIST, 21 July 1841.

2. The discussion arising from this motion was reported in: KINGSTON CHRONICLE, 17 July 1841; BRITISH COLONIST, 21 July 1841; ST. CATHARINES JOURNAL, 29 July 1841, copied from BRITISH COLONIST, 21 July 1841.

3. ST. CATHARINES JOURNAL, 29 July 1841, copied from BRITISH COLONIST, 21 July 1841.

4. KINGSTON CHRONICLE, 17 July 1841.

5. IBID.

6. IBID.

7. IBID.

8. IBID.

9. IBID.

10. The debate arising from the presentation of this motion was reported by: KINGSTON CHRONICLE, 17 July 1841; BRITISH COLONIST, 21 July 1841; EXAMINER, 21 July 1841, identical to report in KINGSTON CHRONICLE, 17 July 1841; ST. CATHARINES JOURNAL, 29 July 1841, copied from BRITISH COLONIST, 21 July 1841.

11. KINGSTON CHRONICLE, 17 July 1841.

12. IBID.

13. IBID.

14. IBID.

15. IBID.

16. IBID.

17. The debate arising from this motion was reported in : KINGSTON CHRONICLE, 17 July 1841 ; MONTREAL GAZETTE, 15 July 1841.
18. KINGSTON CHRONICLE, 17 July 1841.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. The discussion on the elections bill proposal was reported in : MONTREAL GAZETTE, 15 July 1841 ; KINGSTON CHRONICLE, 17 July 1841 ; BRITISH COLONIST, 21 July 1841 ; EXAMINER, 21 July 1841, identical to the report found in KINGSTON CHRONICLE, 17 July 1841 ; ST. CATHARINES JOURNAL, 29 July 1841, copied from BRITISH COLONIST, 21 July 1841.
24. KINGSTON CHRONICLE, 17 July 1841.
25. IBID.
26. ST. CATHARINES JOURNAL, 29 July 1841.
27. IBID.
28. KINGSTON CHRONICLE, 17 July 1841.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. ST. CATHARINES JOURNAL, 29 July 1841, copied from BRITISH COLONIST, 21 July 1841.
34. IBID.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. This matter was reported in EXAMINER, 21 July 1841, in a report identical to that of KINGSTON CHRONICLE, 17 July 1841 ; BRITISH COLONIST, 21 July 1841 ; and ST. CATHARINES JOURNAL, 29 July 1841, copied from BRITISH COLONIST, 21 July 1841.
40. KINGSTON CHRONICLE, 17 July 1841.
41. IBID.
42. IBID.
43. MacNab's remarks and the replies were reported by : KINGSTON CHRONICLE, 17 July 1841 ; ST. CATHARINES JOURNAL, 29 July 1841, from BRITISH COLONIST, 21 July 1841 ; BRITISH COLONIST, 21 July 1841 ; MONTREAL GAZETTE, 15 July 1841 ; EXAMINER, 21 July 1841, identical to report in KINGSTON CHRONICLE, 17 July 1841.
44. KINGSTON CHRONICLE, 17 July 1841.
45. ST. CATHARINES JOURNAL, 29 July 1841, copied from BRITISH COLONIST, 21 July 1841.
46. MONTREAL GAZETTE, 15 July 1841.
47. IBID.
48. IBID.
49. IBID.
50. ST. CATHARINES JOURNAL, 29 July 1841, copied from BRITISH COLONIST, 21 July 1841.
51. IBID. There is no indication given as to what subject this address dealt with. However, on the 14th of July Duggan moved for such an address concerning the Seat of Government. See page 317.
52. IBID.
53. Colonel Prince's remarks on this matter were reported in : BRITISH COLONIST, 21 July 1841 ; ST. CATHARINES JOURNAL, 29 July 1841, from BRITISH COLONIST, 21 July 1841 ; MONTREAL GAZETTE, 15 July 1841 ; KINGSTON CHRONICLE, 17 July 1841 ; EXAMINER, 12 July 1841, WESTERN HERALD, 28 July 1841, both containing a report identical to that of KINGSTON CHRONICLE, 17 July 1841 ; WESTERN HERALD, 28 July 1841, also contains a commentary on the matter.
54. WESTERN HERALD, 28 July 1841.
55. ST. CATHARINES JOURNAL, 29 July 1841.
56. MONTREAL GAZETTE, 15 July 1841.
57. WESTERN HERALD, 28 July 1841.



## Tuesday, 13 July 1841.

New member  
reported for  
Middlesex.

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Mr. Speaker informed the House, that the Clerk of this House had received from the Clerk of the Crown in Chancery a certificate of the election of a member for the County of *Middlesex*, in the room of *Thomas Parke*, Esquire, who had vacated his seat.

And the said certificate was read, and is as followeth : —

## OFFICE OF THE CLERK OF THE CROWN IN CHANCERY,

Kingston, 13th July, 1841.

This is to certify that, in virtue of a writ of election, dated the 18th day of *June*, now last past, issued by His Excellency, the Governor in Chief, and directed to the Returning Officer for the County of *Middlesex*, (*John Wilson*, Esquire), for the election of one member for the said County of *Middlesex*, in the place and room of *Thomas Parke*, Esquire, who, since his election, hath accepted the office of Her Majesty's Sur-

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vveyor General of the Province of *Canada*; *Thomas Parke*, Esquire, has been returned, as duly elected, accordingly, as appears by the Return of the said writ, date the 10th instant, which is lodged of record in my office.

THOS. AMIOT,  
Clk. Cr. in Ch'y.

To W. B. LINDSAY, Esq., }  
Cl'k. Leg. Ass'y. }

## Petitions brought up.

Board of Trade  
of Montreal.

Do.

Andrew Patton.

Henry Trout and  
others.

M. Townsend  
and others.

Henry Douthitt.

John Montgomery  
& others.

George P. Kirby  
and others.

James Adam  
and others.

Henry Jessop.

Corporation of  
Montreal.  
N. A. Colonial  
Association of  
Ireland.

Bank of Upper  
Canada.

G. P. Ridout.

The following Petitions were severally brought up and laid on the table : —

By the Honourable Mr. *Moffatt* — The Petition of the Board of Trade of *Montreal*, respecting Bankrupt Laws, and the Petition of the Board of Trade of *Montreal* respecting real estate.

By Mr. *Child* — The Petition of *Andrew Patton*, of *Stanstead*.

By Mr. *Boswell* — The Petition of *Henry Trout*, and others, inhabitants of the Townships of *Asphodel* and *Dummer*.

By Mr. *De Salaberry* — The Petition of *Mr. Townsend*, and other inhabitants of *Foucault*, *Noyan*, and other places.

By Mr. *Merritt* — The Petition of *Henry Douthitt*, of *Port Colborne*.

By Mr. *McLean* — The Petition of *John Montgomery*, and others, inhabitants of the Township of *Roxborough*.

By Mr. *Woods* — The Petition of *George P. Kirby*, and other inhabitants of the County of *Kent*.

By Captain *Steel* — The Petition of *James Adam*, and others, inhabitants of *Oro*.

By Mr. *Prince* — The Petition of *Henry Jessop*, of the City of *Toronto*.

By Mr. *Dunscumb* — The Petition of the Corporation of the City of *Montreal*, and the Petition of the North American Colonial Association of *Ireland*.

By Mr. *Buchanan* — The Petition of the President, Directors and Company of the Bank of *Upper Canada*. — The Petition of *George P. Ridout*, of the City of *Toronto*, respecting the inspection of flour and meal, pork, &c. — The Petition of *George P. Ridout*, of the

G. P. Ridout (2).  
G. P. Ridout (3).  
G. P. Ridout (4).

City of *Toronto*, respecting the timber duties. — The Petition of *G. P. Ridout*, of the City of *Toronto*, respecting currency. — The Petition of *George P. Ridout*, of the City of *Toronto*, respecting usury.

Petition of Théophile Lemay and others, referred to a Select Committee.

On motion of Mr. *De Salaberry*, seconded by Mr. *Hincks*,  
*Ordered* — That the Petition of *Théophile Lemay*, and others, proprietors and inhabitants of the County of *Rouville*, presented to the House, on the 5th instant, be referred to the special committee to which was referred the Petition of *Felix Lussier*, Esquire, and others, proprietors and inhabitants of the County of *Verchères*.

Petitions of Board of Trade of Montreal, referred to Select Committee.

On motion of the Honourable Mr. *Moffatt*, seconded by Mr. *Holmes*,  
*Ordered* — That the Petition of the Board of Trade of *Montreal*, respecting Usury — and the Petition of the Board of Trade, of *Montreal*, respecting the Currency, presented to the House on the 21st of *June* last, be referred to the select committee on Currency and Banking.

Petition of Robert Armour and others, referred.

The Honourable Mr. *Moffatt* moved, seconded by Mr. *Dunscornb*,  
That the Petition of *Robert Armour*, and others, merchants of the City of *Montreal*, praying for an Act to incorporate the Board of Trade of said City, presented to the House on the *twelfth* instant, be referred to a select committee, consisting of Mr. *Dunscornb*, Mr. *Black*, Mr. *Burnet*, and Mr. *Merritt*, to examine the contents thereof, and to report

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thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records; and that the Rule of this House, in relation to the nomination of Committees, be dispensed with, so far as relates to the appointment of this Committee.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative, and —

*Resolved* accordingly.

Bill, Notaries in Gaspé, read.

Mr. *Hamilton*, from the Special Committee, to which was referred the Bill to amend a certain Ordinance passed in the 3rd year of Her Majesty's Reign, intituled "*An Ordinance to provide permanently for the want of Notaries in the Inferior District of Gaspé, and to remove doubts therein mentioned*," reported that the Committee had gone through the Bill without making any amendment thereto; and the report was again read at the Clerk's Table.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Monday* next.

Address to His Excellency for information, in relation to continuation of Saint Lawrence Canal.

On motion of Mr. *Burnet*, seconded by Mr. *Merritt*,

*Resolved* — That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to inform this House if it be the intention of Government to recommend a continuation of the *St. Lawrence Canal*, so as to open the communication hence to the Ocean, with the least possible delay.

*Ordered* — That the said Address be presented to His Excellency by such members of this House as are of the Honourable the Executive Council of this Province.

On motion of Sir *Allan McNab*, seconded by Mr. *Sherwood*,

Address to His Excellency on time of appointment of R. Baldwin, Esq., as Executive Councillor.

*Resolved* — That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to inform this House of the date upon which *Robert Baldwin*, Esquire, was appointed to the office of one of His Excellency's Executive Council, also of the day upon which he was sworn in, and accepted the said office.

*Ordered* — That the said Address be presented to His Excellency by such members of this House as are of the Honourable the Executive Council of this Province.

Order of day for considering grounds and reasons against the Election of J. E. Turcotte, Esq., revived.

On motion of Mr. *Prince*, seconded by Mr. *DeSalaberry*,  
*Ordered*—That the order of the day for taking into consideration a motion made by Mr. *Prince* on *Monday*, the 28th of *June* last, viz : that the grounds and reasons of complaint, set forth in the Petition of divers electors of the County of *St. Maurice*, if true, are sufficient to make void the Election of *Joseph Edouard Turcotte*, Esquire, lost by the adjournment of the House, of Thursday the 8th instant, be revived, and that the said motion be taken into consideration to-morrow, and that it be then the first order of the day.

Order of the day for considering petition of Henry Sherwood, Esq. discharged.

On motion of Mr. *Thorburn*, seconded by Mr. *Black*,  
*Ordered*—That the order made on the 28th. day of *June* last, for taking into consideration the petition of *Henry Sherwood* Esquire, complaining of the undue election and return of the Honourable *John Henry Dunn*, and *Isaac Buchanan*, Esquire, to serve in this present Parliament, be discharged, and also that the order of yesterday, for the future consideration of the same, be rescinded.

And on making this motion Mr. *Thorburn* said that as the petitioners had shown no disposition to proceed with this contest, it was quite as well that the matter should be set at rest. They had quite enough to occupy their attention.

The public mind was not yet settled with regard to the present administration — the eyes of an intelligent public are upon them, and if they stray to the right hand or to the left, they will be checked at once. The electors of Middlesex had shown that they confide in the administration, and he (Mr. *Thorburn*) firmly believed that we now have better prospects before us; that such a policy would be hereafter pursued, as would reach the poor as well as the rich, and that all should receive protection — (hear, hear.)<sup>1</sup>

Mr. *Aylwin* said he was perfectly prepared to vote in favour of the resolutions of the hon. gentleman, but he confessed he was utterly at a loss to conceive on what principle it was, that the hon. gentleman had thought it necessary to favour the house with such a homily as he had done. He thought the motion which the hon. gentleman had made was called for — but not the observations. He hoped, however, the House would profit by the lecture.<sup>2</sup>

Mr. *Black* stated that he had been under the impression, and he believed the whole House had been under a like impression, that the proceedings in this case, up to this time, had been regular; upon reference to the proper officer, however, it was found that no security had been given by the petitioners.<sup>3</sup>

Committee of whole, on to-morrow, on purchasing private stock of the Welland Canal.

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 On motion of Mr. Attorney General *Draper*, seconded by Mr. *Hamilton*,

*Resolved* — That this House will, on to-morrow, resolve itself into a Committee of the whole House, to take into consideration the ex-

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 pediency of granting a sum of money to purchase the private shares in the *Welland Canal*.

Address to His Excellency for information on Bill to impose duties on imports from United States.

On motion of Mr. *Prince*, seconded by Mr. *Woods*,  
*Resolved* — That an humble Address be presented to His Excellency, the Governor General, praying that this Excellency will be pleased to inform this House whether the Royal assent has been given, or is likely to be given, to a Bill passed by the Legislature of *Upper Canada*, at their last session, intituled "*An Act to impose certain duties on certain articles Imported into this Province from the United States of America*."

And if not, whether His Excellency has received any instructions from Her Majesty's Government respecting that Bill, and if so, that His Excellency will be pleased to give this House all such information upon the subject as to His Excellency shall seem meet.

*Ordered* — That the said Address be presented to His Excellency by such members of this House as are of the Honourable the Executive Council of this Province.



Address to His Excy. for certain papers in relation to the impeachment of the Hon. J. G. Thompson.

Arthur Ackland, chairman of the commission on Niagara election.

House in com. on Lower Canada proceedings as to elections.

On motion of Mr. *Christie*, seconded by Mr. *Taché*,

*Resolved* — That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House copies of the defence, or answer of the Honourable *John Gauler Thompson*, Provincial Judge, of the inferior District of *Gaspé*, together with the depositions or affidavits, and papers, in support thereof, to the accusations or impeachment voted by the Assembly of the late Province of *Lower Canada*, against the said Provincial Judge, the 12th of *March*, 1836, and presented to the then Governor in Chief, the 16th of the same month; and copy or copies of any despatch or despatches to the Governor of *Lower Canada* from the Government in *England*, disposing of the said accusations or impeachment, or relative thereto.

*Ordered* — That the said Address be presented to His Excellency, by such members of this House as are of the Honourable the Executive Counsel (sic) of this Province.

On motion of Mr. *Baldwin*, seconded by Mr. *Small*,

*Ordered* — That the name of *John Shuter Smith*, be struck out of the Commission for taking evidence in the *Niagara* contested election case, and that *Arthur Ackland*, be appointed in his place, and be Chairman of the said Commission.

The Order of the day for the House in Committee to consider the orders adopted by the late House of Assembly of *Lower Canada*, for regulating its proceedings in cases of contested elections in that Province, being read.

The House accordingly resolved itself into the said Committee.

Mr. *Raymond* took the Chair of the Committee.<sup>4</sup>

Mr. *Nelson* proposed his resolutions for the adoption of the committee.<sup>5</sup>

1. *Resolved* — That all matters which shall come in question touching returns of Elections, shall be heard at the Bar of the House, either before the House on a Committee of the whole House, or be referred to a Special Committee, as circumstances shall require.
2. *Resolved* — That all Petitions complaining of undue Elections, shall be direct and pointed in the charges of complaint; whether against sitting Members, Sheriffs or Returning Officers.
3. *Resolved* — That the House shall first determine whether any Petition complaining of an undue Election, contains matter sufficient for the House to proceed upon.
4. *Resolved* — That if the House shall determine that a Petition does not contain sufficient matter to proceed upon, such Petition shall be discharged.
5. *Resolved* — That if the House does determine that a Petition contains sufficient matter to proceed upon, a day shall be fixed for trying the merits of such a Petition.
6. *Resolved* — That if Petitioners object to the votes that were given or offered at the Poll, they shall by themselves or agents give (in a convenient time to be fixed by the House) to the sitting Members or their agents, lists of the persons against whom they are to object, giving also the different heads of the objections, and distinguishing them after the names of the voters objected to; and the sitting Members shall furnish similar lists to the Petitioners or their agents.
7. *Resolved* — That no *ex parte* evidence shall be admitted; nor shall any written evidence be received where testimony can be produced *viva voce*.
8. *Resolved* — That the parties may be heard by Counsel, and that Members complained of shall be heard in their places as well on the matter of complaint as on the evidence, but they must withdraw before a division on any question.
9. *Resolved* — That the evidence in support of Petitions shall first be heard, and the evidence in behalf of the parties complained of shall next follow.
10. *Resolved* — That after a witness shall have been explained by the party calling him, and cross-examined by the opposite party, every Member of the House may ((propose)) in writing to the Speaker, such questions as he may think proper to put, which shall be put to the witness by the Speaker unless he thinks them not pertinent ((to)) the subject; but the sense of the House may be taken thereon if the Member proposing the question should retire it.
11. *Resolved* — That in case of a debate arising on the ((propriety)) of a question proposed to a witness, or any other matter or thing touching any contested Election, the parties and

their counsel shall be directed to withdraw whilst such debate is depending; and after the house has determined on the same, they shall be again called in and informed by the Speaker of the decision (...) resolution of the House thereon.

12. *Resolved* — That the parties interested in any contested Elections, shall deliver to the Clerk within a reasonable time before the day fixed for hearing the merits ((thereof)), a list of such witnesses, papers or records as ((they)) think necessary; and the Speaker shall issue his warrant for the producing papers and records, and ((attendance)) of witnesses, accordingly.

13. *Resolved* — That persons refusing to obey the warrant of the Speaker, shall be considered guilty of a ((contempt)) of the House, and taken into custody by the Sergeant at Arms.

14. *Resolved* — That in all cases of contested Elections ((referred)) to Committees, they shall follow the Rules of the House as nearly as circumstances will permit; and (...) Committees shall report the evidence produced ((between)) them, and the merits of the case as it shall have ((appeared)) to them, together with their resolutions thereon.

15. *Resolved* — That if either of the parties, their ((counsel)) or witnesses should speak indecent language against ((any)) Member of the House, or against the Rules of the (...) he or they may be called to order by any Member (...) in his place claiming privilege.<sup>6</sup>

Mr. Neilson in proposing these resolutions observed that it was perfectly unnecessary for him to enter into the discussion of this dry law question. There were many hon. members in that house better acquainted with subjects of this nature than himself. His sole object, and he had from the first avowed that object, was to obtain justice for the petitioners, and he was sorry to say that too much delay had already occurred. He did not find fault with the house or with any of its members, but in a matter of this kind (said the hon. member,) I apprehend that a decision might have been had long ago. It will be observed that this is not a simple petition against the return of an individual member, but it is an address to the house generally upon the subject of alleged violence committed at the election in the district of Montreal. In consequence of the doubts which have existed respecting the law which regulates the elections in Lower Canada, petitions have been presented to this house, and those petitions have been presented under the supposition that that law was not in force. This supposition is justified in my humble opinion, and I believe the house will bear me out in that opinion. The Governor of the Province and the Executive Council had admitted that this is the case, an ordinance having been passed in Lower Canada with a view of remedying the defect. This house by receiving the petitions and ordaining the mode for taking them into consideration, have also admitted that this is the case. That so large a portion of the inhabitants of this Province should be deprived of having representatives of their free choice is a deplorable circumstance. The electors of this country should have full liberty of exercising their elective franchise, free from violence and intimidation. (Hear, hear.) Hon. gentlemen will recollect that the Throne of England has been supported on this principle, the present Royal Family occupy the throne in consequence of maintaining the freedom of elections (hear, hear).<sup>7</sup>

To add weight to the claims which he set up — he ((Mr. Neilson)) gave the house to understand as a piece of historical information that the Stuart family had been expelled from the throne for its corrupt interference with the suffrages of the people, indirectly conveying apparently the inuendo (sic) that unless things were so managed that the Parliament might be composed of such a majority of Lower Canadian representatives as were desirous of swaying the destinies of Canada, that the Royal Lady Queen Victoria, might prepare for the same agreeable journey as that which the mandate of his political physicians had forced upon her predecessor James II.<sup>8</sup>

The constitution of Great Britain would long ago have been annihilated had not the freedom of elections been preserved. Without this, the privilege of having a representative form of government is but a solemn mockery; it is ridiculous to pretend to take the sense of the people through their representatives when the people are not permitted freely to exercise their elective franchise. I have every confidence that this house will not refuse the petition of 150,000 electors, and that they will redress their wrongs, if they believe they have been aggrieved. I shall express no opinion upon the subject, I stand here as a Judge in this matter; the decision of the house upon the first resolution will determine the question, whether the house will proceed to determine upon the common law usages or whether they hold the law of elections to be in force.<sup>9</sup>

Mr. Christie rose and addressed the Committee. It had been said on a former day that the adoption of such resolutions as those now submitted by the hon. Member from Québec, was not necessary — that there was a certain law in force which regulates the proceedings in



cases of contested Elections. This proposition involves a question of law. He (Mr. Christie) had looked into the law relating to the subject, and he was prepared to state to the Committee the result of his research, and the conclusion which he had arrived at in consequence of that research. He had found that the contested Election Act had been originally passed in the year 1808. That Act was continued and amended by divers Acts of Parliament until the year 1834. In that year, by a separate Act, this law was continued for two years, and from thence to the end of the ensuing Session of the Legislature. This act having been passed by the three branches of the Legislature, was sent to England and laid before the King in Council. It was disallowed within two years from the time of its being passed. The disallowance of this act had the effect in his (Mr. Christie's) opinion of placing the former enactment which the disallowed act in part repealed, in the same situation as if the subsequent act had never existed — the previous act was revived. The act of 1834 declared that it should remain in force for two years, and from thence to the end of the next session of the Legislature. Now he believed it would be allowed that no session had taken place since 1836 until the present session of the united Legislature. It was true the Legislature had met, but no act was done which would constitute a session — no Act had passed the three branches, and he believed it was perfectly understood that unless an act were passed or a judgment given, it could be no session. His own opinion was that the former law was revived ; and he considered that the present House were bound to proceed upon it in the investigation of the election trials. He was ready to listen to the arguments and opinions of hon. gentlemen who were conversant with the subject, and if he should find that he was wrong, he would turn round, (hear, hear.) At all events he believed it was incumbent on this house to enter into the investigation. It was expected by the country, and unless they did so, the country would not be satisfied, (hear, hear.) He felt some regret in differing from many of his friends on this question, but unless he heard such arguments as would convince him that he was wrong, he felt bound to act upon the views which he had taken of the matter, and vote against the resolutions.<sup>10</sup>

**Mr. Baldwin** said that as he had been one of those who, when the subject was laid before the committee, had desired that there should be a postponement of its consideration, to be enabled to examine the law upon the subject, and to consider the powerful arguments used by the hon. gentleman from Port Neuf, he felt it to be due to the committee on this occasion that he should take an early opportunity of expressing the result of his considerations upon the subject. It was a subject, as had been well observed by the hon. member from Quebec, of grave importance. The consideration whether the law in question was in operation or not, was one which would be attended with deep and important results. One effect which was likely to be given to this decision was the disfranchisement of a large number of electors, assuming the facts which were set forth in the petition to be true. And without pretending at present to prejudge those facts, which he would be as far from doing as any hon. member of that house, he believed they were bound to consider that the facts are true, as far as this question was concerned. The result therefore of the views of some hon. gentleman would be the virtual disfranchisement of 150,000 of the electors of this Province, upwards of one fifth of the population. The decision of the present question is to determine whether this large portion of the Province is to be not only unrepresented but misrepresented. (Hear, hear.) It is precisely as if the Parliament of England were to enter into the question of the disfranchisement of five millions of the subjects of Great Britain. The proceeding would be precisely similar. When such are the consequences of a decision upon this question, it will not be over-estimating its importance when I express the deep responsibility which I feel in giving expression to my views upon the subject. It will be necessary to refer to the origin of the difficulty in which this question is involved. It is pretended that the petitioners have wontonly (sic) disregarded the law? It is pretended that they have endeavored to evade the law? far from it; they have uniformly expressed their readiness to acquiesce in the law. (Hear, hear.) The difficulty — assuming that a difficulty does exist, has arisen from a mistake, a misapprehension. It is a mistake into which not only the people of Lower Canada have fallen; but also both houses of the legislature; and the representative of the Sovereign himself. By turning to the Journals of the Legislature of Lower Canada it will be perceived, that the meeting of that legislature in 1836 was called a session by both houses, and also by the representative of the Sovereign. Therefore if it be a mistake, it is one to which all are parties; and considering that this is the nature of the mistake, I certainly had hoped as I ventured to express on a former occasion that those hon. gentlemen, in whose keeping, the honour of the Province has been placed, would long ere this, have come down to this house with a Bill to relieve us from this difficulty. — However little confidence I have in some of those hon. gentlemen, I have at least some confidence in others among them, and I certainly



think that I had — that this house had — that the country had had, good reason to expect this from those hon. Gentlemen. I allude more particularly to the hon. gentleman from the City of Toronto, (Mr. Dunn) who I perceive has shifted his place to-day. (A laugh.) These gentlemen one and all of them owe it to the house and to the representative of that Sovereign whose servants they are and to the country, and they owe it to themselves, that they should have prepared such a measure. I have expected it at their hands; but I have been disappointed; this house has been disappointed. It is now said that if a measure were now passed it would be an *ex post facto* law; this is the excuse under which those hon. Gentlemen shelter themselves. There is no denying that it would have been an *ex post facto* law; but it is not better to dispense with a mere technical objection, rather than involve the most important rights which can be exercised by freemen, in so serious an embarrassment. Some of those hon. gentlemen are so tenacious respecting the adoption of an *ex post facto* measure have not always been so scrupulous. If we look at the records of Parliament of Upper Canada as well as of Lower Canada, we shall find cases of *ex post facto* laws having been passed, and I do not think the hon. and learned gentleman from Russell can demonstrate to this house, that on any occasion he protested against them. I find that hon. gentleman was not backward in passing an act to enable the chartered banks to suspend specie payments.<sup>11</sup>

**Mr. Draper.** I was not then in the house.<sup>12</sup>

((Mr. Baldwin continued.)) The hon. gentleman would scarcely have voted against it, (order, order,) but to come to matters of more importance; I find that hon. gentleman was quite ready to assist in passing a law relating to the trial of criminal offences, committed before the passing of that act, the most highhanded measure perhaps that was ever carried into effect in any colony. I am not attributing this as a crime ((to)) the hon. gentleman; I only say that there have been measures equally entitled to be characterised as *ex post facto*? (sic) and they were certainly of greater moment as regards the principles of *ex post facto* legislation, than the one which I now claim at their hands. If we turn to that august body the Special Council we shall find that it has not been one whit behind. (Hear, hear.) Here Mr. Baldwin pointed out several of the ordinances of the Special Council.

The hon. and learned Gentleman the Attorney General for Lower Canada has told us that it is not the intention of the government to bring in any measure for the purpose required, and I confess that I am disappointed. — From this declaration, I am bound to believe that no measure is requisite, because according to the new system of government under which those gentlemen act, we must suppose they have the confidence of this house and the country. Educated as I have been both professionally and politically with a deep reverence for the laws of my country, it is out of my power to say that is law which I do not believe to be law. Therefore, if I come to the conclusion that in point of fact the act of parliament to which I have alluded is the law of the land, however it may grieve me to give such a vote — however I may mourn over the necessity, of giving it, I shall nevertheless be under the necessity of giving it, (hear, hear.) The hon. gentleman from Gaspé has referred to different statutes regulating contested elections; the hon. gentleman must be aware that the provisions of these statutes are contained in the Act of Union. I have listened to the arguments stated on a former occasion by the hon. and learned gentleman from Port Neuf, but they do not afford me sufficient grounds for concluding that the law of 1834 is not in force. The question is, what is the effect of the disallowance of the latter statute, of course if the effect was a repeal of that statute, it would leave the former one in force. The hon. and learned gentleman then entered into the legal construction to be applied to the operation of the disallowance of the act, in contradistinction to the repeal of a statute. It appeared to him (Mr. Baldwin) that the intention was to reserve to the Crown a negative on all acts of the Provincial Legislature, (hear, hear,) if therefore the construction put upon it by the hon. and learned gentleman from Port Neuf would interfere with this object, it appeared to him (Mr. Baldwin) it would hardly be a fair construction to put upon the act. While therefore he (Mr. Baldwin) did not by any means admit that the view taken by his hon. and learned friends from Port Neuf (Mr. Aylwin) and Montmorency (Mr. Quesnel) was one which could be so easily disposed of as seemed to be imagined by some hon. gentlemen the other day, he had felt it due to his hon. friends and to that house to state the reasons why he was not prepared to adopt that view as the ground upon which to vote upon the present occasion. There was, however, another view of the subject to which he (Mr. Baldwin) would beg leave to call the attention of hon. gentleman: It was a well understood and established rule in the construction of statutes that all such acts ((do)) relate to the same subject, or in the technical language of the profession, all in *pari materia* ((and)) are to be constructed with reference to each other. Where, therefore, a term is used in a given sense in one of such statutes, it is to be presumed that

the legislature when they used the same term in another of them, meant to use it in the same sense. That the 48 Geo. 3d, c. 21, the first and principal of the acts which it is contended were in force at the time of the suspension of the constitution of Lower Canada by the Imperial act of I and I Vic. c. 9, and which if then in force is clearly continued by the Union act to this day, enacts in its first section, "That no petition complaining of an undue election or return of any member shall be receivable unless the same be presented to the house within 14 days after the first *meeting of the Legislature* ensuing the election and return complained of." Assuming then for the present purpose the correctness of the distinction contended for the other day by the hon. and learned member from the city of Quebec (Mr. Black,) between a mere meeting, a convention, and a session of Parliament, the legislature of Lower Canada had in this instance at all events, by the very terms they used, distinctly provided that petitions complaining of undue elections should be presented within 14 days after the first *meeting of the legislature*, whether such meeting should ultimately prove a *session* (in actual sense) or not; and it was obvious from the reason of the thing as well as from the words used by the statute that such was the real intention of the legislature; unless indeed hon. members were prepared to contend that the term "*meeting of the legislature*" which he had quoted from the act, were to be confined to *such meetings* only as should become regular *sessions*. The consequence of which construction would necessarily be that although there might be a *meeting of Parliament* lasting 20 or 30 days, and affording, therefore, ample time for the receiving all complaints of undue elections, unless a bill was passed, or judgment pronounced, so as to convert such *meeting* into a *session* in the technical sense of the term, it would be equally open to parties to petition against elections and returns within the first 14 days of a *subsequent* meeting as if such *first* meeting of Parliament had never been held at all — a conclusion to which he (Mr. Baldwin) presumed hon. members were not prepared to come. He therefore felt justified in interpreting the words "*meeting of the Parliament*" in the first part of that section of the act to mean any *coming together* of the Legislature which would afford an opportunity for such complaints to be made, without reference to whether it should or should not assume the character of a "session" — and this he had no doubt would be concurred in by all who heard him. He (Mr. Baldwin) would now direct the attention of hon. gentlemen to the concluding part of the same section, and they would find it provided "that whenever the matters contained in such petition cannot be fully heard, tried, and adjudged at the *same session* of Assembly in which the same were begun, that the same may be continued and taken up, heard and adjudged upon at the next meeting of the House of Assembly, in the same manner as if no prorogation had taken place." He (Mr. Baldwin) took it for granted that it would be admitted that the term "Session" in the proviso must be held to refer to any *mob* "Meeting of the Legislature" as is spoken of in the earlier part of the clause, as, if not, it would manifestly leave parties without remedy in the very cases most requiring the protection of such a provision — as where petitions had been presented during a short and abortive Meeting of the Legislature, when there had not been time to dispose of them, and which would, in effect, place it in the power of the Executive Government by the exercise of the prerogative (sic) of prorogation to preclude inquiry altogether. He (Mr. Baldwin) thought therefore, that he had established (at least to the satisfaction of his own mind he had done so) that the Legislature had in the Act of Parliament, which was the basis of the whole code for the trial of their contested Elections, used the term "*Meeting of the Legislature*" to mean any *Meeting* of such Legislature, and that they had also in the same Act applied the term "*Session*" to any *such meeting*. The Legislature therefore in this instance had chosen to make use of this term "*Session*," which, as was contended, a more restricted meaning was in general to be applied as descriptive of a mere "*Meeting of the Legislature*." It must therefore be contended in accordance with the rule respecting the construction of Statutes *in pari materia*, to which he had referred, he presumed that in the subsequent Statutes, upon the same subject, they had made use of the term in the same sense — he was therefore justified in holding that term "*Session*" in the 4Wm. 4. c. 9 was meant to impart any such "*Meeting of the Legislature*" as the same term used in the proviso to the 1 sec. of the 48 Geo. 3c. 21 clearly does — and as, therefore, there had been two such Meetings after the 1st May, 1836, the day referred to in 4 Wm.4c. 9, and prior to the Imperial Act of 1 and 2 Vic. c. 9, he held that the 48 Geo. 3c.21. and the other Acts continuing and amending it had expired with the termination of the first of those Meetings of the Legislature, whether it was or was not a "*Session*" in the restricted sense of the term, or with respect to other temporary acts — such at least was his view of the subject, and unless he should be shaken in it in the course of the debate, upon that view he was at present prepared to vote for the resolutions of his hon. friend from the County of Quebec, being of opinion that the Acts of the Provincial Parliament of Lower Canada for the regulation of the trial of contested Elections are not now in force.<sup>13</sup>



**Mr. Boswell** expressed his firm desire that the house, if it had or could have the power to inquire into these petitions, should proceed to the investigation. His hon. friend the member for Hastings had endeavored to impress the house with the idea that the legislature of Lower Canada when it passed the law and introduced the word "Session" had not in its mind such a session as the law implies. He joined issue with his hon. friend on this point, for he believed that there were found in that Assembly, as there were in the present one, some of the brightest ornaments of their profession, who would give to the word its natural and legal signification, and that which the good sense of all men would pronounce to be the proper one. It was not meant indeed that it should be a session in which no act was passed bearing signification, but it was meant that some actual business should be transacted, some law passed or revised; and that this act should continue till such a session was held. He would not allude to the other parts of his hon. friend's arguments, because, although the speaker was entitled to great credit for ingenuity, he had taken excellent care to show that he was not prepared to sustain the position taken by the member for Port Neuf. He would now come to the point under discussion. His hon. friend from Hastings had said that the law was not in force. He (Mr. Boswell) should distrust his own good sense and legal knowledge if he did not come to a contrary determination, and assert that the law was in force. The question then was, the act having passed, was it competent in them, as one branch of the legislature, to overrule the law and proceed to the consideration of these petitions? No man was more willing than himself to uphold the constitutional privileges of that body: those privileges had been stated to be so great as not to be defined; and ought not therefore, to be carelessly interfered with; but on this subject there could be no difficulty at all, and he was bound to say that the Act of Parliament must have a much greater force than single privileges (sic) of that house. For what, he would ask, did those privileges amount to, except to the right to inquire into all acts relating to their own elections? The House of Commons in England had found great difficulty in carrying out these privileges, and it had been found under the old laws that these contests were made mere party struggles, and which in reality interfered with the course of justice. The hon. member referred to what was the state of things before the passing of Grenville's act, which was introduced to overcome these difficulties. This act encountered great opposition, and at the time it was complained and concurred in, that its introduction was a breach of the privileges of the house, which had no longer the same extensive powers it had before to inquire into contested elections. It was, however, a compromise: what the house lost on the one hand it regained in the solemnity given to its proceedings, which were henceforward to be conducted in the same manner as before the regular courts of justice. He thought therefore that the position he took was a correct one — the house had given up some of the powers it possessed before, in order to obtain more perfect machinery. But it was said that the house still possessed the power to inquire into its own elections. He did not deny it, but the question was, whether in the exercise of this privilege they would not be affording a precedent which might be dangerous hereafter. He who stood by the privileges was a truer friend of the people than he who sought to use power simply because they had it, and in opposition to the law itself. The hon. member then referred to the allegations contained in the petitions. He understood that it was there stated that the executive government had by itself and agents interfered with the election. He did not deny the right of the House to enquire into such accusations, and even to expel any member who could be proved to hold his seat in consequence of such practice: but if the matter were merely a minor one, in that case he had no difficulty in saying that the petitioners were precluded by the statute when they required certain recognizances should be entered into, and which had not been complied with. He said, therefore, that they were not in a situation to claim the protection of that house, and that having allowed the time to pass by, it would be an act of injustice to the sitting members were they to entertain their petitions. An attempt had been made to prove that this delay arose from ignorance on the part of the petitioners, but there was one of those petitions in which it was difficult to suppose that the gentleman concerned could have been ignorant of the law, he referred to Mr. Lafontaine.<sup>14</sup>

**Mr. Aylwin** denied (sic) that Mr. Lafontaine laboured under ignorance: he knew that the law did not exist.<sup>15</sup>

If it was contended that he knew that the law did not exist, and was prepared to sustain a doubt on a matter on which he (**Mr. Boswell**) contended there was no doubt at all, he certainly was not entitled to ask for indulgence at their hands.<sup>16</sup>

**Mr. Aylwin** — He asks for no indulgence.<sup>17</sup>



He (**Mr. Boswell**) put it to the house whether the matter had not been put as an indulgence. (Cries of "yes," "no.") That was the line of argument that had been adopted, though some had gone further and said that justice required that effect should be given to the prayer of those petitions. Now he was prepared to meet this cry of justice. What was the justice asked — what was its nature? Was it just in that Assembly, the first legal body in the country, to depart from law? Was it just to other members whose elections were not contested to depart from law? He would suppose a case in which a party owed a sum of money, had allowed the time settled by the Statute of limitations to run out without proceeding for payment; could this person, when before the Judge, avail himself of the plea that he was ignorant of the law? He declared that he had sought to discover arguments for these petitions, but that he had failed to find them. If they passed these resolutions, they might as well go further and extend the time for putting in recognizances at once. For himself he had no doubt but that the law was in force, and he did not feel himself justified in departing from it.<sup>18</sup>

**Mr. Durand** referred to the question as one involved in legal doubts and subtleties. And was therefore inclined, as in all other cases of a like nature, to give these doubts in favor of the petitioner, and vote for the resolutions. Justice, he was satisfied, must be done, and in order to arrive at that an opportunity must be afforded of investigation. The petitioners trust to the generosity of the house to afford them justice, and a mere quibble ought not to interfere with their privileges.<sup>19</sup>

**Capt. Steele** was convinced there was but one course for the house to follow. If the law existed they must abide by it, and they could not introduce any measure to relieve the house from the difficulty it was in. If hon. gentlemen would only divest themselves of all those arguments which only serve to "make worse the better reason," they must arrive at the same conclusion he did, and vote accordingly.<sup>20</sup>

**Mr. Johnston** would say a few words on the subject, though not many, as those on both sides must be now pretty well prepared, after all they had heard, to proceed to work like several medical men on the same patient — one to doctor, one to physic, one to bleed. (A laugh.) He heard several gentlemen talk of justice, and that was all that he wanted, though justice was sometimes principal; but, was it justice to interfere with the seats of sitting members when the time had elapsed in which it was considered lawful to do so? He considered that the law was in force, and all that he had heard from his neighbors had not enlightened him more than what he had himself read on the subject. The petitioners said that it was doubtful and if this was their opinion, it was more incumbent upon them to be cautious and place themselves in a safe position. He viewed the attempt as a mere stratagem to embarrass the Government, and should therefore set his face against it, and he was sure that his constituents would say that was the honest course.<sup>21</sup>

**Mr. Morin** denied that there was any desire to embarrass the government, but the question was whether the house was at present properly constituted. His opinion was that the law was not in force, and the unanimous consent of the government went to that point. The law of Parliament and the power of the House had been abridged by the previous law, and it was imperative on them to assert their privileges.<sup>22</sup>

**Mr. Sherwood** as one who had proposed the delay of this question, thought it necessary to state the opinion he had come to upon it. He had at the time referred to great doubts as to whether the law existed or not, and, had a decision been come to then, should certainly have voted for the resolutions. he (sic) had considered the matter well since, and after hearing the arguments on both sides, had come to the conclusion that the law as to Elections in Lower Canada was in force, still he was willing, as one of the Members of that House, that an investigation should take place into the merits of the petitions, and not all that had been said about *ex post facto* laws would deter him from giving every assistance to this enquiry. If the petition for this object was presented to the House, it should receive his most cordial support.<sup>23</sup>

**Mr. Small** expressed his opinion that by the disallowance of the law, the Act which, not expiring in 1836, was continued to the end of the next session, was revived, and that no Session had been since held. Although he had come to this conclusion, he was not sure that the truth of these petitions should not be enquired into by the House: he thought, on the contrary, that they ought to be, and if, when the present question was disposed of, no one else

would bring forward a resolution for a Committee to enquire into these petitions, he would do it himself.<sup>24</sup>

**Mr. Sol. Gen. Day** rose and said he really thought the hon. gentleman from Port Neuf should extend some slight indulgence to the officers of the government in that house, and not censure them so severely as he had done for a supposed unwillingness on their part to enter into a discussion of this question. If they had refrained from taking part in the debate at an earlier period, it was that they might profit by the light which that hon. gentleman (Mr. Aylwin) was expected to throw upon the subject. But he (Mr. Day) was sorry to find that his expectations upon this point had not been fulfilled; that after the long harangue with which they had been favored by that hon. gentleman, they were as unenlightened as before; and that his arguments had proved to be a complete failure — so complete a failure that he (Mr. Day) was absolutely astonished, (hear, hear.) The question before the house was a question of law, but it had been encumbered with extraneous matter. They had been told by the hon. gentleman from Quebec (Mr. Neilson) that it is a question in which the exercise of an important franchise is concerned. He (Mr. Day) would readily admit with that hon. gentleman that the rights of electors are not to be trifled with. It was the duty of that house and every hon. member within it, to watch over the right of the electors with a jealousy as vigilant, as a man would watch over his own honor. The facts connected with the case before them was (sic) however of a very simple nature. A number of persons had come before the house with petitions, setting forth that outrages of a violent character had taken place at the election for the District of Montreal. These petitions had been brought before the house destitute of those formalities with which the law requires they shall be accompanied. The question now comes up, why have they not complied with the law? and it appeared to him (Mr. Day) that they were not entitled to that sympathy which was claimed for them by several hon. gentlemen. (Hear, hear.) And he rested this objection upon several grounds. It was contended that the authority upon which the application was made fully justified the petitions in coming before that house in the way they had done. It was urged that they were not aware of the existence of the law; this is a doctrine which is exceedingly dangerous, because if the principle were admitted in that house, that ignorance of the law, in doubtful cases, excuses the wrong doer, the principle may extend to cases when its application would be extremely improper. It was not only dangerous to depart from the stern principle of law, but no case should be made out which could justify the parties in claiming indulgence from that house. (Hear, hear.) It was a question on which no member of the profession could accord with the opinions expressed by hon. members. He believed the difficulty might be traced to the hon. gentleman who brought forward the petitions, having made up his mind hastily and rashly that the law was not in force. However this might be, it seemed to him (Mr. Day) that there had been a want of that careful vigilance (sic) which should have been exercised by the petitioners and those who advised and directed them. They should not have been satisfied to allow the matter to rest in doubt. They should have informed themselves carefully, before bringing their petitions before the house, having neglected to do so, they have placed themselves in a position in which they are not entitled to claim the indulgence of the House, or a regulation of the law on the part of the House.

As connected with this part of the subject, he (Mr. Day) having taken up this position, would now direct the attention of the committee for one moment to the remarks of the hon. and learned gentleman from Hastings. That hon. gentleman had appealed to the members of the Executive Government, and demanded why they had not brought in a law upon this subject. With what show of propriety, with what shadow of common sense, could his colleagues or himself bring in a law when they believed the law to be in existence? For what purpose should they bring in a law? Not to regulate controverted elections, because a law is already in existence (sic) for that purpose. If that hon. gentleman came to the conclusion which he said he had come to — if he was willing to assume the responsibility of passing an *ex post facto* law, why did he not himself bring forward a bill? But if he wished to shift the responsibility from his own shoulders to theirs, he (Mr. Day) could tell that hon. gentleman he would find himself very much mistaken. (hear, hear.) Having thus briefly disposed of this part of the subject, he would now merely say, in as fat (sic) as regards an investigation of the circumstances which have occurred, he apprehended that neither the members of the government, nor the members of that house individually, were disposed to avoid it. That a proper investigation should take place, was a proposition which no man in that house could be disposed to deny, (hear, hear.) To suppose that such investigation would tend to throw any discredit upon the government, would be to suppose an absurdity. This much upon this part of the subject. He would now come to the more direct business of the present discussion.



The point upon which the Court was called upon to decide was one of a purely Judicial character. During the course of the present session they had already been called upon to decide several matters of a Judicial nature. It arose from the peculiar position in which they were placed; but there had been no question before them the decision of which would be attended with more important consequences than the one now submitted; and it was not one the importance of which would hinge upon or grow out of the question whether A. should sit in that house, or whether B. should sit there representing a certain constituency; but its importance grew out of the consideration of the character which that house should maintain abroad, throughout the country. They were sitting in the capacity of Judges in the matter, and he trusted that every man would, without reference to the consequences, decide conscientiously, and according to his reason and judgment. The hon. gentleman from Port Neuf had endeavored to make out a case of difficulty. It was a question to be decided by authorities. It turns particularly on the construction which is to be put on the word session. He (Mr. Day) would not enter into the arguments at length but would refer the house at once to certain worthies of the law — and he must be permitted to say that he placed great reliance on those worthies — and by them it was held to be so clearly settled as to what was the true construction to be put upon the word session, that he (Mr. Day) could scarcely conceive that there could be any serious doubt upon the subject. There is no name which stands so high as that of the learned Seldon, and when to this highly respected authority is added the name of Lord Bacon, I think I am sufficiently fortified to meet the hon. gentleman as to the application of the term.

It appeared to him there could be no doubt as to what constitutes (sic) a session. No doubt had been created in his (Mr. Day's) mind by the reference made by the hon. gentleman from Hastings to the 48 Geo. III., c. 21. The hon. gentleman seems to have drawn conclusions upon which to rest his whole argument which certainly seemed not very intelligible. He was at a loss to conceive upon what grounds the hon. member had come to the conclusion that a meeting, and a session of Parliament meant the same thing, when they are obviously placed in such broad contradistinction. He would now direct the attention of that hon. house for a few moments to the question whether the disallowance of 4 William IV., c. 28, operated as a repeal of the previous statute. In coming to this part of the question he would observe, in reply to some remarks of the hon. gentleman from Port Neuf, that had the statute 48 George III., c. 21. expired by lapse of time, before the disallowance of that statute would most certainly not have revived it. But that was not the case. The repeal of a repealing statute operates the revival of the act repealed. This is a doctrine which I apprehend will not be controverted. But the disallowance of an act is totally different. The power of disallowance is a power which takes effect from the commencement. It is a condition hanging over the statute, rendering that statute incompetent until the condition is removed by lapse of time.

He (Mr. Day) would have been glad if the house could have proceeded with the trial of these election contests and disposed of them. They must all feel that there was an embarrassment now existing, which it was very desirable to get rid of, (hear, hear,) and if he could have come to the conclusion which would have justified him in coinciding with the hon. gentleman, he would have been most happy to do so, (hear, hear.)<sup>25</sup>

**Mr. Aylwin** would ask whether the hon. gentleman professes the same ignorance of what has taken place in England. The cry of the Colonists had gone across the ocean, but it appeared not to have reached that hon. gentleman. He (Mr. Aylwin) would assert the charge, having been challenged by the hon. gentleman to do so, he would repeat it before God and man that if an investigation were gone into, the administration would be found to have been guilty of acts of corruption of a most flagrant kind, acts which could scarcely be equalled in the world, (hear, hear.) What did the Government do, only within the last few weeks, when a complaint was made respecting the Toronto election? At the transactions which took place there men's minds were naturally indignant. An investigation could not be refused; but who were the men appointed to investigate the matter? One individual was appointed whose name was connected with the Terrebonne election; a man who had made himself conspicuous in the outrages committed there, some three or four months afterwards is named upon the commission to investigate the riots and outrages committed at another election. It appeared to him (Mr. Aylwin) extraordinary that the Government should express surprise when they were charged with participation in the occurrences when such proceedings as these were adopted by them. He (Mr. Aylwin) would not be intimidated or deterred from repeating the charge, which the whole Province of Lower Canada would reiterate, as with one voice. He was convinced that the conduct of the Government was was (sic) worse than it had been represented. — His mind ((was)) made up on this point, and he could not therefore consistently sit as



judge upon this matter when it should come before that house. Let it be fairly understood that justice alone was sought for ; but he very much feared notwithstanding all the fine words they were favored with, that there was no disposition to give them justice. — He would feel exceedingly sorry if it should become necessary that the House of Commons should investigate the matter ; but he could never loose (sic) sight of this one consideration that although justice should be delayed for twenty years, yet a day of retribution would come at last. (Hear, hear.)<sup>26</sup>

**Attorney General Ogden** said that hon. gentlemen would best discharge their duty by confining themselves to the subjects before them, namely, the resolution of the hon. member from Quebec, entering into the merits of the petitions until that subject should come properly before the house. It was to be lamented that hon. gentlemen should so far forget the duty which they owed to the house and to themselves, as to undertake to pronounce upon these petitions before the time arrived for the investigation of the complaint contained in them. He (Mr. Ogden) would be perfectly prepared for that investigation.

With respect to the law regulating contested elections, he had already stated that he believed it to be in force ; and he had heard nothing to induce him to believe the contrary. Upon the disallowance of the repealing statute, the act intended to be repealed thereby was of course revived : and he was only surprised that hon. gentlemen were so obstinate (if he might use such an expression) as not to admit a fact which had been so clearly established. Something more than the mere declaration of hon. members was necessary to prove that the law was not in force, and he (Mr. Ogden) could not believe that the petitioners acted in ignorance of this, (order, order.) He stood upon this conviction, and he believed in his conscience that that law, was the law of the land, and so long as it was so it could not be presumed that the petitioners were ignorant of it. He should vote against the resolutions.<sup>27</sup>

**Sir Allan MacNab** said the subject was one which had occupied the public mind for a considerable time. Serious and grave charges having been made, not only that violence had prevailed at the Elections, in some parts of Lower Canada, but that the government itself had been a party to those riots and outrages. The government was accused of violence, intimidation, bribery, partiality, and all sorts of corruption. He observed that the matter had already occupied the attention of the Imperial Parliament, and he regretted very much, indeed, that the hon. gentlemen who occupy the treasury benches — the advisers of the Government had not felt it necessary to introduce a measure calculated to satisfy the public mind, regarding their intention of providing a remedy for the embarrassment under which they at present stood, and one which would render justice to the 150,000 petitioners. He was satisfied that a large majority of the House would have gone with them (the Officers of the Government) in the adoption of such a measure as would be calculated to render substantial justice to those petitioners (sic) ; who have an undoubted right to claim at our hands, but more especially at the hands of those hon. gentlemen, whose duty it is to advise the Government, a measure of that description. What is the question before us ? we have petitions from 150,000 persons, complaining that they are not only unrepresented, but that they are misrepresented, now this being the case, what steps have been taken to render these people justice : we have been a month in session without taking any steps to accomplish this purpose. If those hon. gentlemen would introduce a law, extending the provisions of the former law for one month — (why did you not do so ?) I will tell you why : because it would come with a much better grace from the Officers of the Government. The hon. gentleman from Ottawa (Mr. Day) says the people who have petitioned this House, are not entitled to our sympathy. He says it is not generally believed that the outrages complained of occurred.<sup>28</sup>

**Mr. Day** begged to correct the hon. and learned Knight ; he said the government had not, as was asserted, any participation in those disturbances.<sup>29</sup>

**Sir Allan MacNab.** — But you have the assertion of these petitioners to the contrary ; and this being the case, would it injure those hon. gentlemen to allow the investigation to take place ? (Hear, hear.) If no other member of that House would introduce a Bill, he (Sir Allan) would do so, and if he were told it would be an ex post facto law, he would turn to the journals and show the House that ex post facto laws in abundance had already been passed ; and one in particular, which many hon. gentlemen then present had been very active in passing, which took a retrospective effect of at least 20 years. He alluded to the act which established a Court of Chancery. He fully believed that he would be justified in going with that House in the adoption of any measure which would render justice to the petitioners. His desire would be that the Committee should rise, and recommend the appointment of a Select Committee for the purpose of introducing a measure, at once, upon this subject ; and that in a few days, if it

were found that the Legislative Council were unwilling to co-operate with the House of Assembly in the adoption of such measures; that the House would then be justified in taking a much higher stand; in rendering justice to the petitioners at all events, without further delay.<sup>30</sup>

**Atty. Gen. Draper** said after the numerous invitations with which he had been favored by the hon. gentleman from Port Neuf, he could not of course refrain from entering into the discussion; and although he had been silent thus far, it was not because he had not been called upon to take up the subject, but it was because he had been desirous of profiting by the opinion of those upon whose judgement he could most rely.<sup>31</sup>

As to ignorance of the law, the learned Attorney General thought such an excuse was not very complimentary to one of the gentlemen at least, he having always been given to understand that Mr. Lafontaine was a lawyer of some celebrity in the Lower Province. (Hear, hear.)<sup>32</sup>

He had not, however, discovered that any new principle was requisite to be applied to the present case, and he felt therefore at liberty to argue the matter on the broad principle of the English law. There was some principle bearing upon this case which he (Mr. Draper) thought was capable of controverting the arguments of the hon. and learned member from Port Neuf, from beginning to end. The hon. gentlemen (said Mr. Draper) treats this law which was disallowed — and which was in fact brought into existence, and enforced as it were, *de bene esse*, if I may be permitted to apply a professional term, as he would an Act which had been absolutely confirmed and allowed. An Act of Parliament to be complete requires the concurrence of the King, Lords, and Commons. And in like manner it requires the concurrence of those three estates to put an end to the existence of an Act, which has received the sanction of those three estates: but it requires no such thing to put an end to an Act such as the one in question, because this last mentioned Act never was complete and perfect. The question then is, whether the simple dissent of the Sovereign, expressed according to law, is to be considered as placing the matter in the same light as the Legislative authority of three estates. I say it is not; and for this reason; the law which has once been concurred in by the three branches of the Legislature is final in its nature, and must continue until put an end to by equal authority to that which gave it birth.<sup>33</sup>

**Mr. Hincks** said that to him this was a very embarrassing question — he had stated so on a former occasion — it was one too, that was not to be summed up in the clause of a Statute. The mere reading of that would not do. The question presented a different, and more important aspect; one of serious consideration, viz., that, by the vote of this House, 150,000 souls were to be virtually disfranchised. The character of the government — the character of this House is involved, and although not a member of the profession to decide with legal subtlety on the matter, he was well convinced, he knew, that to aid such a thing as this was wrong. In the Lower part of the Province the general impression was, that the Act was not in force — the question as it was now presented was a stratagem, to get quit of a grave and important matter, but he (Mr. Hincks) would put it to the House if there was not good grounds for investigation. He, for one, doubted if the Election took place at all. Hostile armies, (so to speak) met to fight instead of electing a Member of Parliament. Although opposed to the gallant Knight, (Sir A. McNab), in politics, he (Mr. H.) was glad that the gentleman had come so manfully forward in support of so great a number of Her Majesty's subjects; and he felt deep regret and mortification to observe that members elected as reformers, endeavored to stifle investigation. As for himself, he asked no indulgence, but simple justice, to satisfy the very general feeling that prevailed on the subject. He had a high respect for many of the hon. gentlemen petitioned against, and should be extremely sorry to see the allegations sustained, but a sense of duty to his country compelled him to vote in favor of the resolutions. A ((great)) deal had been said by the hon. member (for Portneuf) and enough to cause government to court investigation. It had been publicly stated that violence had been done. (cries of name, name.) He (Mr. Hincks) was not afraid to name — Mr. Driscoll, Queen's Counsel for Montreal. If hon. gentlemen opposite were not afraid of investigation, why not come forward with a law, which would settle the question at once, and forward the ends of justice; but if the government was in opposition, how could a law be got through the other House — (uproar and cries of order, order.) — Messrs. Johnson, Hale, and Moffat (sic) rose to order. He (Mr. Hincks) thought he was quite in order, and he would reiterate the opinion, that without the support of government, such a measure could not be carried.

With regard to the amount of confidence in Her Majesty's Government he for one was not sorry for any thing he had said on a former occasion, when he gave the grounds why he could not support the honorable gentlemen opposite. Hon. gentlemen say that he (Mr. H.) was mistaken, because they were very liberal; now was the time to show that liberality —



now was the time to bring forward a measure to test their sincerity, satisfy the country of it, and relieve this House of an embarrassing question — one, that whatever may be the letter of the law — the necessity and justice of investigation is apparent.<sup>34</sup>

**Mr. Dunscomb** had listened to Mr. Hincks with great attention. That gentleman asked if he (Mr. Dunscombe) did not court investigation in regard to his election. He did not court it, but the petition against him was a tissue of lies. It was said many people were killed; was this not a well known falsehood? Again, it was said his election was gained by the efforts of her Majesty's army; was this not equally false? He (Mr. Dunscombe) would invite the attention of the house to such statements. He fancied it would be found out the dead men were like the Kilkenny cats — there was nothing left of them but their tails, (tales?) (laughter).<sup>35</sup>

**Mr. Harrison** could not sit still and hear this called a dry question of law. He (Mr. Harrison) expressed no opinion as regards the truth of falsehood of the allegations against the sitting member, but he must repudiate the idea expressed by the hon. member for Oxford, that the Government wish to stifle inquiry, or that this was a test question to try the amount of its liberality. He (Mr. Harrison) thought it would be extraordinary to test this by an act of injustice, which would at all events be the effect of an *ex post facto* law.<sup>36</sup>

**Col. Prince** was of opinion that the law was in existence. When it was said that 150,000 persons were without representation this was an argument to arouse our feelings as Britons. But could it be said that the six or eight members who had now the honor to sit in this house, were without a voice in the representation? Had no votes been cast for them? This was a strange and mistaken mode of arguing the question. The petitioners had been charged with ignorance, but he would ask if it could be possible that the gentleman who contended the seat for Terrebonne could be so... ((charged))? Many thought that gentleman second to none in the Province, and he (Mr. Prince) thought it was absurd to charge him with ignorance of the law. If injustice had been done, he would not be one to stand forward and countenance it. But he had yet to learn that 150,000 persons were not represented. If hon. gentlemen would show proof of this, he would go any length to have so monstrous an evil rectified. There may have been rows, but he would ask if this had not always been so? — (Cries of no, no — election for Kingston — roars of laughter). If individuals had taken proper care and diligence, he (Mr. Prince) thought all these complaints might have been avoided. The hon. member for Gaspé in fifteen minutes threw more light on the subject than all that had been said since. He had listened attentively to the hon. Member for Port Neuf, but he thought he only enveloped the matter in a gossamer veil, which when drawn from it, hon. members would look in vain for truth. Seven hours and a half had been spent in discussing the law of a simple question. He (Mr. Prince) could not believe that the hon. member for Port Neuf would stake his reputation as a lawyer on the affirmation of this question. Before sitting down he must remark that he could not take the course of the hon. member for Hastings in believing the allegations true, but must believe those charge (sic) are innocent until proved guilty.<sup>37</sup>

**Mr. Morin** said the question was, had the members whose seats were contested been actually chosen? He thought not and that they did not represent one tenth part of the constituency. Mr. Lafontaine from violence could not present himself. From the place the poll was situated there could be no election. It was placed at the most northern part of the county, and to get to it a large forest had to be gone through, and he would ask the house if there had been an honest intention would this have been done? Most certainly not.<sup>38</sup>

Mr. Morin... was corrected by **Mr. Simpson** and **Mr. Dunscomb** who respectively declared that they had polled 600 and 500 votes!!<sup>39</sup>

**Mr. Black** regretted that the misapplication of eloquence, should have been exerted to give a colouring to charges which he was sure would be found untrue. The position assumed by the hon. and learned member on a previous occasion, was maintained by him, fully establishing the existence of the law.<sup>40</sup>

**Mr. Hincks** spoke before the close of the debate — but diverged altogether from the argument. The want of a proper controul (sic) over his feelings subjected the hon. member to many interruptions — and, altogether, his remarks were listened to with much impatience



by the house. — It being now past midnight — the debate still heavily progressed amidst the continued and unheeded cries of "order," and the repeated clamours of "question, question."<sup>41</sup>

**Sir A. MacNab** would vote against the resolution, but nevertheless he hoped the house would do all the justice in its power. In fact, he believed they could not hesitate in doing so, and instigating a full, free and impartial investigation. For this purpose he would move an adjournment; and if this does not take place justice could not be done. (Cries of "No, no.") Without doubt the petitioners had misconceived the law, but a remedy could easily be found. He expected some of the members opposite would have introduced a bill; but as they had not he would do so himself, as it was a matter of vast importance absolutely requiring investigation.<sup>42</sup>

**Mr. Merritt** entertained doubts and would give the petitioners the benefit of these doubts. He (Mr. Merritt) could not divest his mind of the fact that there must be a large majority in that house in favor of investigation. He thought it right to guard against consequences, and if the other house refused their sanction to a bill, it was the more necessary to do so. The Parliament might yet be dissolved on this very question. If he had any prejudice at all it was in favor of the sitting members. He thought the government ought to bring in a bill to do justice to the petitioners; if they did not, and give the subject the go-by, what would the people of Canada say? what could be inferred but that undue executive influence had been brought to bear on these elections.<sup>43</sup>

**Sir Allan** ... desiring to postpone this already postponed and vexatious discussion, brought forward an amendment, that the chairman do leave the chair, report progress, and ask leave to sit again.<sup>44</sup>

A division took place when it was lost. — Ayes, 27; Nays, 39. The previous question was then put, and negatived by an overwhelming majority.<sup>45</sup>

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and after some time spent therein,

Mr. Speaker, resumed the Chair.

Order of day for com.  
of whole on Canada  
Fire Assurance  
Company, postponed.

The Order of the day for the House in Committee on the Bill for incorporating the *Canada Fire Assurance Company* being read,

*Ordered* — That the said order of the day be postponed until *tomorrow*.

Then on motion of the Honourable Mr. *Moffatt*, seconded by Mr. Attorney General *Ogden*,

The House Adjourned.

#### Appendix, 13 July 1841.

((Question Re : Sir James Stuart's Commission.))

**Mr. Aylwin** rose and said if he was in order he would desire to give notice to the hon. gentlemen on the Treasury benches, that he would apply for a copy of the commission under which Sir James Stuart was appointed as Deputy Governor of this Province. He perceived by the public prints that such appointment had taken place.<sup>46</sup>

**Attorney General Ogden** replied that he would save the hon. gentleman the trouble of making any motion upon this subject. A commission had been issued under the great seal of the Province; and upon application at the Secretary's office the hon. gentleman can be furnished, if he desires it, with a copy of that commission.<sup>47</sup>

**Mr. Aylwin** said he presumed that as a member of that house, representing a part of the constituency of this Province, he had an undoubted right to ask for information on any subject, and that he would not be obliged to apply to any public office for such information, but that it would be furnished to this house upon motion by command of his Excellency. He believed that he was perfectly in order to call upon the officers of the government to lay before the house copies of all documents required by the house. The reason of his giving the motion was this: there was nothing more dangerous than an union of the Juridical and Executive

powers, and although there was no one whom he (Mr. Aylwin) would be more willing to trust with the exercise of those powers than the Chief-Justice of Lower Canada — <sup>48</sup>

The Speaker ((Mr. Cuvillier)) here interrupted (sic) the hon. member, and remarked that he was perfectly out of order.<sup>49</sup>

Mr. Aylwin replied that he would bow with deference to the chair, and sat down.<sup>50</sup>

Capt. Steele said he rose for the purpose of calling upon hon. members to abstain from the practice of putting questions in this abrupt manner to the gentlemen on the Treasury benches.<sup>51</sup>

Footnotes — 13 July 1841.

1. KINGSTON CHRONICLE, 17 July 1841.
2. IBID.
3. IBID.
4. The debate was reported in: KINGSTON CHRONICLE, 17, 21 July 1841; LE CANADIEN, 21, 26, 30 July 1841, a translation of the report found in KINGSTON CHRONICLE, 17, 21 July 1841; BRITISH COLONIST, 21 July 1841; WESTERN HERALD, 28 July 1841; EXAMINER, 21 July 1841, a report identical to that of KINGSTON CHRONICLE, 17, 21 July 1841. The BRITISH COLONIST, 21 July 1841, commented about the order of the day on Lower Canadian contested elections: "This brought on a debate, that lasted for the edification of her Majesty's transatlantic lieges to that ghostly hour when sprites and goblins are represented with Mr. Puck at their head to kick up their heels and gambol thro' the world legitimising the boisterous uproar and fantastic revels that ran riot at this most interesting period in that august and deliberative assembly, the tribunal throne of anglo-gallic Canada."
5. KINGSTON CHRONICLE, 17 July 1841. In several places in the Resolutions which follow words are completely illegible; these places are indicated by double brackets.
6. KINGSTON CHRONICLE, 26 June 1841.
7. KINGSTON CHRONICLE, 17 July 1841.
8. BRITISH COLONIST, 21 July 1841.
9. KINGSTON CHRONICLE, 17 July 1841.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. KINGSTON CHRONICLE, 21 July 1841.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. BRITISH COLONIST, 21 July 1841.
33. KINGSTON CHRONICLE, 21 July 1841.
34. KINGSTON CHRONICLE, 17 July 1841. "The lengthy Speeches of Messrs. Aylwin, Day, Draper, ((MacNab)) and Ogden" which precede were only noted in the issue of 17 July, and were reported fully in the issue of 21 July 1841.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. BRITISH COLONIST, 21 July 1841.
40. IBID.
41. IBID.
42. KINGSTON CHRONICLE, 17 July 1841.
43. IBID.
44. BRITISH COLONIST, 21 July 1841.
45. IBID.
46. KINGSTON CHRONICLE, 17 July 1841.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.

## Wednesday, 14 July 1841.

Petitions brought up.

Of inhabitants  
of Douro.

Horace Keating,  
and others.  
Michael Healy,  
and others.  
Bishop of Montreal,  
and others.  
Petitions read.

Of Clergy and  
members of Church  
of England, Eastern  
Townships.

Of Louis Mosseau,  
and others.

Of Medical Faculty  
of McGill College.

Of Montreal Ladies  
Benevolent Society.

Of Robert Armour,  
and others.

Of Board of Trade  
of Montreal.

Of James Carrall,  
and others.

Of the Bishop of  
Toronto & others.

Of Jacques Voyer.

Of C. M. Lebrun,  
and others.

The following Petitions were severally brought up and laid on the table : —

By Mr. *Gilchrist*, the petition of divers inhabitants of the Township of *Douro*.

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By Captain *Steele*, the Petition of *Horace Keating*, and others, and the petition of *Michael Healy*, and others, of the Township of *Adjala*.

By Mr. *Burnet*, the petition of the Right Reverend, the Bishop of *Montreal*, and others of *Quebec*.

Pursuant to the order of the day, the following petitions were read :

Of the Clergy and Members of the Church of *England*, and others, residing in the *Eastern Townships*, in the District of *Montreal*, praying for the establishment of Schools, and for the general use of the Bible in the same.

Of *Louis Mosseau*, and others, proprietors of the Parish of *Berthier*, in the District of *Montreal*, praying for an aid to build a Bridge over the River *Bayonne*, in the Parish of *Berthier*.

Of the Medical Faculty of *McGill College*, praying for an aid to support the Medical School of the said College.

Of the *Montreal Ladies Benevolent Society*, and others, praying for a grant of £1,500 for the support of that Institution.

Of *Robert Armour*, and others, merchants of the City of *Montreal*, praying for an Act of incorporation of the Board of Trade of *Montreal*.

Of the Board of Trade of *Montreal*, praying for a grant of money to improve the channel in Lake *St. Peter*.

Of *James Carrall*, and others, Her Majesty's subjects, residing in the District of *Brock*, praying for the enlargement of the District Town.

Of the Right Reverend the Bishop of *Toronto*, and others, the Clergy and Gentlemen of *Toronto*, praying a grant of £1000 for the support of the House of Industry in that City.

Of *Jacques Voyer*, Esquire, of the City of *Quebec*, praying for a pension.

Of *Charles M. Lebrun*, and other electors of the County of *Beauharnois*, praying an investigation into the occurrences which have taken place at several of the elections in the District of *Montreal*, and that the election and return of *J. W. Dunscomb*, Esquire, as member for the said County, be declared null.<sup>1</sup>

((This)) petition... created some lengthened discussion, in consequence of the decision of the previous evening, that the laws were in force, and that this petition, not having been presented within the first fourteen days, must be rejected. Some angry personalities were bandied, and some hints given to Sir Allan McNab, of his seeking after popularity at a sacrifice, perhaps, of some little principle. The question of receiving this petition remains over for discussion.<sup>2</sup>

(174)

Of J. S. Lewis, and  
others.

Of *J. S. Lewis*, and other electors of the County of *Beauharnois*, praying that the election and return of *J. W. Dunscomb*, Esquire, as member of the said County, be declared null.

Of *McCrae*,  
*McGregor*, and  
others.

Of *William McCrae*, *Duncan* (sic) *McGregor*, and others, Magistrates and Inhabitants of the *Western District*, praying for an aid to complete the *Tecumseth Road*.



Michael M. Traxlar,  
and others.

Of the Pres. and  
Directors of Shefford  
Academy.  
Of N. J. W. Kurczyn,  
and others.

Of *Michael M. Traxlar*, and others, inhabitants of *Chatham, Camden, Harwich*, and *Howard*, in the *Western District*, praying to set aside the decrees of the Boundary Line Commissioners in the Township of *Chatham*, and to establish the lines agreeably to the first survey.

Of the President and Directors of the *Shefford Academy*, praying for a further aid to support the said Academy.

Of *Nicholas J. W. Kurczyn*, and others, Grocers of the City of *Montreal*, praying the repeal of the Ordinance 4 VIC., Cap. 42.

(175)

Of *Aeneas Bell*.

Of *Aeneas Bell*, of the City of *Toronto*, praying for a situation as Messenger in the Legislative Assembly.

Of John B. Warren  
and others.

Of *John B. Warren*, and others, inhabitants of *Whitby*, in the *Home District*, praying for an Act of incorporation for the construction of a Harbour at the mouth of *Annis's Creek*.

Of *Ira Schofield*,  
and others.

Of *Ira Schofield*, and others, inhabitants of the Districts of *London* and *Brock*, praying for an aid of £2,000 to open a road.

Of Pres., Direc.  
Compy. of Gore Bank.

Of the President, Directors and Company of the *Gore Bank*, praying for an Act to increase the Capital Stock to £250,000.

Of Dan. Quackin-  
bush.

Of *Daniel Quackinbush*, of *Queenston*, in the District of *Niagara*, praying to be naturalized.

Of James Millar,  
and others.

Of *James Millar*, and others, inhabitants of the County of *Drummond*, praying to be united to the incorporated Societies of *Sherbrooke* and *Stanstead*, for Mutual Insurance against fire.

Of Frederick Dugas,  
and others.

Of *Frederick Dugas*, and others, freeholders and inhabitants of *Carleton* and *Maria*, in the County of *Bonaventure*, complaining of the poll for the elections being held at *New Carlisle* only, and praying relief.

Of Frederick Dugas,  
and others (2).

Of *Frederick Dugas*, and others, inhabitants of *Carleton*, in the *Bay Chaleurs*, County of *Bonaventure*, praying the opening of a Road between *Carleton* and the Mission on the *Ristigouche*.

Of Joseph Meagher,  
and others.

Of *Joseph Meagher*, and others, inhabitants of *Carleton*, in the County of *Bonaventure*, praying for an allowance for education in their settlements.

Of Alex. Davidson,  
Esq.

Of *Alexander Davidson*, Esquire, of *Niagara*, praying for an exclusive right to publish the *Canada Spelling Book*, for a number of years.

Of John F.  
Sixsmith.

Of *John F. Sixsmith*, of the Town of *Kingston*, praying to be naturalized.

Of Protestant female  
asylum, Quebec.

Of the Protestant Female Asylum at *Quebec*, praying a continuance of the aid they have received for the last three years.

John O'Carroll.

Of *John O'Carroll*, of *Belleville*, complaining of injuries done to himself, his family, and property, by Volunteers in Her Majesty's service at *Belleville*, and praying Relief.

Of Noah Freer,  
and others.

Of *Noah Freer*, and others, of the City of *Quebec*, praying that the House may exercise its influence to give full effect to the Registry Enactments.

Of Minister and  
members of Church  
of England, Rivière  
du Loup.

Of the Minister and Members of the Church of England at *Rivière du Loup*, praying for the establishment of Schools, and for the general use of the Bible in the said Schools.

Of Society of Educa-  
tion of Three Rivers.  
Message from  
Legislative Council.

Of the Society of Education, of the Town of *Three Rivers*, praying for a grant of £150 towards the support of a School.

A Message from the Legislative Council by *John Godfrey Spragge*, Esquire, Master in Chancery.

MR. SPEAKER,

Turner's relief bill  
amended.

The Legislative Council have passed the Bill, intituled "*An Act to permit Robert John Turner to practice as Solicitor in the Court of "Chancery,"*" with an amendment, to which they desire the concurrence of the Assembly,

And, also,

LEGISLATIVE COUNCIL, 13th JULY, 1841.

Hon. Messrs.  
J. Fraser and Caron,  
have leave to attend  
sel. com.

*Ordered* — That the Master in Chancery do go down to the Assembly and acquaint that House that the Honorable Messieurs *John Fraser* and *Caron* have leave to attend the Select Committee of the Assembly, as desired by that House in their Message received this day, if they think fit.

Attest,

JAMES FITZGIBBON,  
Clerk Leg. Council.

And then he withdrew.

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*Petitions referred.*

Of North American  
Association of  
Ireland.

*Mr. Dunscomb* moved, seconded by *Mr. Hale*,

That the Petition of the *North American Colonial Association of Ireland*, praying for leave to make roads, &c., be referred to a Committee, consisting of the Honorable *Mr. Killaly*, *Mr. Merritt*, *Mr. Morin*, and *Mr. Tachè*, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise, with power to send for persons, papers, and records — and that the 77th Rule of this House be suspended so far as relates to the appointment of this Committee.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative, and —

*Resolved*, accordingly.

Of Pres., Directors  
and company of  
Gore Bank.

On motion of *Mr. Thompson*, seconded by *Mr. Powell*,

*Ordered* — That the Petition of the President, Directors and Company of the *Gore Bank*, praying for an Increase of Stock, be referred to the Special Committee, to which was referred the Petition of the President, Directors and Company of the Bank of *Upper Canada*, and other references.

Of John B. Warren,  
and others.

On motion of *Mr. Small*, seconded by *Mr. Price*,

*Ordered* — That the Petition of *John B. Warren*, and others, inhabitants of *Whitby*, in the *Home District*, presented to the House on the 12th instant, be referred to the Special Committee to which was referred the Petition of *A. M. Farewell*, *Abram Butterfield*, and others, of the Townships of *Whitby* and *Darlington*.

Hon. Mr. Killaly,  
added to committee.

*Ordered* — That the Honorable *Mr. Killaly* be added to the said Committee.

Petition of James  
Millar, and others,  
referred.

*Resolved* — That the Petition of *James Millar*, and others, inhabitants of the County of *Drummond*, presented to the House on the 12th instant, be referred to a Committee of five members, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise ; with power to send for persons, papers and records.

*Ordered* — That *Mr. Watts*, *Mr. Moore*, *Mr. Child*, *Mr. Foster*, and *Mr. Hale*, do compose the said Committee.

Petition of G. W.  
Blanchard, and  
others, referred.

On motion of *Mr. Robertson*, seconded by the Honorable *Mr. Moffatt*,

Also Petition of  
R. McKenzie,  
and others.

*Ordered* — That the Petition of *G. W. Blanchard*, and others, proprietors and inhabitants of the County of the *Lake of Two Mountains*, and the Petition of *R. McKenzie*, and others, proprietors and inhabitants of the County of *Terrebonne*, in the District of *Montreal*, presented to the House on the 5th instant, be referred to the Special Committee to which was referred the Petition of *Felix Lussier*, Esquire, and others, proprietors and inhabitants of the County of *Verchères*.

Petition of Æneas  
Bell, referred.

On motion of *Mr. Small*, seconded by *Mr. Price*,

*Resolved* — That the Petition of *Æneas Bell*, of the City of *Toronto*, be referred to the Special Committee appointed to enquire what assistance it will be necessary to afford to the Clerk, and what Offices and Departments it will be expedient to establish for the effective and orderly conduct of the business of this House.

And of Julia Bell.

*Ordered* — That the Petition of *Julia Bell*, wife of *Æneas Bell*, presented to the House on the 1st instant, be referred to the said Committee.

Petition of divers  
Lumber Merchants,  
referred.

On motion of Mr. *Cameron*, seconded by Mr. *Black*,  
*Ordered* — That the Petition of divers Lumber Merchants, presented to the House on the 21st of *June* last, be referred to the Select Committee to which was referred the Bill to regulate the inspection and measurement of timber, masts, spars, deals, staves, and other articles of a like nature, in the Ports of *Quebec* and *Montreal*, and for other purposes relative to the same.

(177)

An answer to address  
of 1st inst., correspondence on Timber  
duties, presented.

The Honorable *S. B. Harrison* presented, pursuant to an Address to His Excellency, the Governor General, of the 1st instant, a copy of all correspondence between Her Majesty's Ministers and the Governor General, in relation to any alteration in the scale of duties upon the importation into *Great Britain* of Foreign and Colonial Timber, or either.

For the said correspondence, see Appendix (H.)<sup>3</sup>

The House having addressed the Governor General for a copy of all correspondence with the House Government on the Timber Duty, His Excellency sent the following...

*Government House*  
*Montreal, April 24, 1841.*

My Lord.—I have the honor to inclose copies of three Memorials which have been presented to me by the Boards of Trade of Montreal and Quebec, and the merchants of Bytown. I will inclose a copy of my reply.

Great alarm is naturally felt by those engaged in the Timber Trade, in Canada, at the prospect of any alteration in the duties levied on wood in the United Kingdom, which may affect the protection hitherto afforded to Colonial Timber and Deals, but the question must, of course, be resolved by the Government and the Imperial Parliament according to the view which they may take of the general interests of the Empire.

I conceive, however, that in any change which may be determined upon in these duties, if it be one which will disturb the proportions which the Colonial and Foreign Timber Trade bear to each other under existing laws, care will be taken to diminish as much as possible the loss to individuals by rendering the change gradual; as such a course is certainly the most just, as well as the most politic. But above all, I must express my hope, that in whatever alteration is adopted, the recommendation of the committee of 1835, of which I was chairman, will be adhered to, namely that the change shall not affect the Importations of the year, which would be an Act of extreme hardship upon the Colonial Trade, inasmuch as it only can be carried on by the engagements entered into many months before the time at which the goods can be actually shipped, and therefore all the shipments to be made this year, have been entered upon on the faith of the present law, and cannot now be countermanded or stopped.

I have &c.

SYDENHAM

The Rt. Hon. Lord J. Russell, &c.<sup>4</sup>

Mr. *Aylwin* said it would be fresh in the memories of hon. members that when a discussion took place on an alteration in these duties in the British House of Parliament, it was used as an argument in favour of the change by those who supported the measure, that, if not suggested, it had received the sanction of the Governor General of these Provinces. He was glad to find that this was not the case, and that so far from desiring to plant a deadly blow at the dearest interest of the colony, his Excellency had shown every desire to ward off the stroke. He trusted the Governor General would continue these efforts, which would entitle him not only to the thanks of that House but to those of the whole Colony. At the same time it was evident that there was an error somewhere, as the statements on the other side of the water did not agree with this despatch.<sup>5</sup>

Mr. *Moffatt*. — The hon. member should be more explicit. I have seen no such reports as those to which he alludes.<sup>6</sup>



**Mr. Aylwin.** — I am glad to have an opportunity to give information which I had supposed would have been given in another quarter. If the hon. member had read the debates in the English House of Commons, as I have done, he would have seen that it was stated by one of the Ministers as a reason why the house should receive favourably the proposition, that it had been either suggested directly by the Governor General, or had received his sanction.<sup>7</sup>

**Mr. Moffatt.** — The hon. member is mistaken ; what was referred to on that occasion was the wheat question and not the timber duties at all.<sup>8</sup>

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The Honorable *S. B. Harrison*, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency, the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered, and is as followeth : —

#### SYDENHAM.

In conformity with the intention expressed in his Speech at the opening of the Session, the Governor General transmits herewith to the House of Assembly the copy of a Despatch from Lord *John Russell*, explaining the views of Her Majesty's Government on several of the most important subjects connected with Canada.

Government House,  
Kingston, 14th July, 1841. }

No. 369.

DOWNING STREET, 3 MAY, 1841.

MY LORD,

Despatch from Lord  
John Russel on  
subjects relating  
to Canada.

The Despatches which I have received from you on the general state of the Province of *Canada*, the reports with which you have furnished me on several important subjects, and the approaching meeting of the Council and Assembly of the United Province, have induced me to explain to you, at this time, the views which Her Majesty's Government entertain on the topics most interesting to the welfare of *Canada*.

In any measures that may be adopted, it must be taken for granted, that Her Majesty persists in the determination to maintain, at all hazards, Her Royal authority in *Canada*. Neither the honour of Her Majesty's Crown, nor the support due to Her Loyal subjects in *British North America*, nor the provident care of the interests of the Empire at large, would permit any deviation from this fixed principal of *British Policy*.

At the same time, Her Majesty's advisers are not insensible to the difficulties imposed upon them in carrying into execution the purpose of the Crown.

A Province bordered by an open frontier of more than a thousand miles, approached with ease at all times by the Citizens of a neighboring and powerful State, separated from *England*, not only by the Ocean, but by the rigours of climate and season, must be maintained by a judicious preparation for defence in time of peace, and vigorous exertion of the resources of the Empire in time of war ; or not at all. — To trifle with the fortunes of men, whose lives and properties are freely devoted to the service of *England*, or to encourage foreign aggression by neglect or apathy, would be far worse than the spontaneous surrender of these important possessions of the Crown.

The *Canadians*, might, in such a case, incur no risk ; no blood need be shed, and the treasures of the Empire might be spared. The other course would be cruel to a brave people, and unbecoming the character of the Country.

But as I have already said, we have no alternative. We have only

Despatch from Lord  
John Russell on  
subjects relating  
to Canada.

(178)

to consider the means of binding *Canada*, more firmly to this Country — of developing her resources — of strengthening her *British* population — of defending her territory, and of supporting and encouraging the loyal spirit of the people.

In this spirit then, I shall touch upon the principal topics connected with these views.

#### 1. — *Finance.*

You have stated the debt of the United Province, to amount to £1,226,000, and with the sum required to complete Public Works, necessary for the free passage between the *Western* portion of the Province, the *St. Lawrence*, and the sea, to about one million five hundred thousand pounds. \*

The Queen's Government coincide in your views of the expediency of making such an arrangement as may employ the credit of this Country for the benefit of the finances of *Canada*, and have given their best consideration to the plan proposed in your Despatches. They are of opinion that such an arrangement, if it can be carried into effect with the consent of the creditors, would be, in every way, desirable; but they feel that the objections to a Bill compelling parties to receive payment of their money in breach of agreements entered into with them by competent authority, are insuperable.

Her Majesty's Government are ready to give any assistance in conformity with your proposal which does not appear to them inconsistent with good faith. They are ready to propose to Parliament to guarantee a loan, which may be required for Public Works (under the restrictions suggested by you) for the repayment of such part of the debt as may be now redeemable, or may be held by creditors, who shall declare themselves willing to accept reasonable terms.

With regard to this latter sum, it appears to the Government most expedient that you should fix such terms as you may consider sufficient to induce the creditors to accept the proposed equivalent (not of course exceeding £100, for every nominal, £100 lent); that you should make known such tender in such a way as may appear to you most advisable, giving the holders sufficient notice and information, and fixing a given day before which the willingness of the parties to accept such offer, should be sent in.

To do this, an Act of the *Canada* Legislature will be necessary, and when that is obtained, the subsequent arrangements might be made; or through some party deputed on the part of the *Canadas*, in this country, with full instructions.

It may perhaps be also expedient at the same time, by Law, to enable trustees, &c. to account as in cases where the interests of loans are received in this country.

Upon receiving the information of the assent of the parties accepting the terms proposed, the necessary means may be taken in this country, to raise the requisite funds, and it may be expedient that you should fix the day for the paying off such assenting creditors, and other claims, at a time when the Parliament of this country is sitting, for should it be necessary to have recourse to a loan, such a measure has always been considered open to objection during the prorogation of Parliament.

#### 2. — *Defence.*

I have perused with great interest the enclosures in your Despatch of 24th *December*, 1840, containing reports from Lieut. General Sir *Richard Jackson*, and Col. *Oldfield*, the Commanding Officer of Engineers, on this subject.

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The question is one of so much importance, that I was not satisfied with referring your Despatch to the Master General and Board of Ordnance, but I also asked the opinion of the Commander-in-Chief, and requested him to consult the Duke of *Wellington*, whose high

Despatch from Lord  
John Russell on  
subjects relating  
to Canada.

authority on every military subject, is, in this instance, of peculiar weight, from the attention he has for many years given to this matter, both on political and on military grounds. Their opinions are transmitted with this Despatch.

Her Majesty's Government agree in opinion with Lord *Hill*, and Sir *Richard Jackson*, that "no dependence upon the decided superiority of "our troops and arrangements made for defence, connected with "them, should lead us to neglect the construction, and completion of "permanent works calculated for the protection of the points of most "importance to us."

They likewise concur in His Lordship's opinion that, in the event of the construction of these or any other works, a large effective regular force, and a militia, registered and enrolled, but not called from their Districts, except in case of invasion, will be indispensable.

But it cannot be reasonably expected that works on a large scale should be undertaken without reference to the great expense to be incurred.

I have therefore to inform you that the Government are prepared to state their opinion that, beyond the ordinary estimates of the year, £100,000, should yearly be applied for the defence of *Canada*. At present, this sum is nearly absorbed in the maintenance, of the militia and volunteers, but by a more economical plan, this expense might be greatly diminished, and a great portion of the sum of £100,000 left for the improvement of military communications, and the erection or repair of fortifications.

You will hear further from me on this point when I have more fully considered the various plans proposed.

### 3. — *Emigration.*

I have read with great interest your Despatches on this subject, and I agree with you in opinion that it would not be wise for this Country to engage to convey Emigrants to *Canada* at the Public Expense. But neither can I agree that this Country ought to pledge itself indefinitely to the expense of maintaining the Emigrants in *Canada* till they are able to obtain employment.

I quite concur, however, in the sense you entertain of the importance of the object.

It is a hardship to *Canada* that she should be obliged to maintain the Pauper Emigrants from the United Kingdom who arrive in a state of destitution and disease. But this object was formerly provided for by the imposition of the Emigrant Tax, and I think the renewal of this Tax should be recommended to the Legislature of *Canada*.

I have recommended to the treasury that the expense thus incurred by the Emigrant, should, in consideration of the great political advantages likely to flow from Emigration to *Canada*, be defrayed by this country.

Supposing a tax of 5s. a head, 32,000 Emigrants might be freed from the tax for £8,000. This is a sum which, I think, Parliament might be asked to vote for so important an object. The tax might then be paid in *Canada*, not by the Captain of the passenger ship, but by the Commissary General, on proper vouchers of the number of emigrants landed.

In this case, the only emigrants paid for must be those whose fitness for emigration had been previously attested by an Emigration Agent in this country.

The emigrant tax would then act as a check, and very properly so, on those who could not obtain the attestation required.

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I have now adverted to the three principal topics to which I have called the attention of the Queen's confidential servants. There are many others of great importance to the welfare of *Canada*, but upon which I am anxious to receive your reports before proceeding further.



Of this kind are the engagements of the Land Companies, and the future disposal of the Crown Lands. The means of communication for commercial purposes within the *British Territory* through the whole length of *Canada*, must always be a matter of the highest interest, both to *Canada* and to this country.

But it seems to me that, with a Legislature in *Canada*, disposed to co-operate with the Queen and the Parliament of the United Kingdom in developing her vast and unexplored resources, there is every hope that we shall behold the prosperity of that noble Province augment every year, and add more and more to the strength and stability of the Empire.

I have, &c.,

(Signed) J. RUSSELL.

The LORD SYDENHAM, }  
&c. &c. &c. }

1000 Copies of  
Message to be  
printed.

Mr. *Durand* moved, seconded by Mr. *Price*, that one thousand copies of His Excellency's Message of this day, one half in the *English* and one half in the *French* language, be printed for the use of the members of this House.

Mr. *Hamilton* moved in amendment, seconded by Mr. *Johnston*,

That the words "one thousand," in the said motion, be struck out, and the words "one hundred" substituted.

The question being put upon the motion of amendment, a division ensued, and it passed in the negative.

The question being then put upon the main motion, a division also ensued, and the names being called for, they were taken down as followeth : —

#### YEAS.

<i>Armstrong,</i>	<i>Derbshire,</i>	<i>McLean,</i>	<i>Ruel,</i>
<i>Baldwin,</i>	<i>Desrivieres,</i>	<i>Merritt,</i>	<i>Simpson,</i>
<i>Berthelot,</i>	<i>Draper, Hon. W.H.</i>	<i>Morin,</i>	<i>Smith, (Fron.)</i>
<i>Boswell,</i>	<i>Duggan,</i>	<i>Neilson,</i>	<i>Smith, (Went.)</i>
<i>Buchanan,</i>	<i>Durand,</i>	<i>Ogden, Hon. C.R.</i>	<i>Steele,</i>
<i>Cameron,</i>	<i>Foster,</i>	<i>Parent,</i>	<i>Taché,</i>
<i>Chesley,</i>	<i>Gilchrist,</i>	<i>Powell,</i>	<i>Turcotte,</i>
<i>Child,</i>	<i>Harrison, Hon. S.B.</i>	<i>Price,</i>	<i>Viger, Hon. D.B.</i>
<i>Christie,</i>	<i>Hincks,</i>	<i>Quesnel,</i>	<i>Woods,</i>
<i>Cook,</i>	<i>Killaly, Hon. H.H.</i>	<i>Raymond,</i>	<i>Yule. — 42.</i>
<i>Daly, Hon. D.</i>	<i>MacNab, Sir A.N.</i>		

#### NOES.

<i>Aylwin,</i>	<i>Hale,</i>	<i>Moffatt, Hon. G.</i>	<i>Thompson,</i>
<i>Burnet,</i>	<i>Hamilton,</i>	<i>Moore,</i>	<i>Thorburn,</i>
<i>Campbell,</i>	<i>Johnston,</i>	<i>Prince,</i>	<i>Watts,</i>
<i>Crane,</i>	<i>McDonald, (Pres.)</i>	<i>Robertson,</i>	<i>Williams. — 17.</i>
<i>Dunscomb,</i>			

So, it was carried in the affirmative, and —  
*Ordered*, accordingly.

(181)

The Honorable *D. Daly* presented, pursuant to an Address to His Excellency, the Governor General, of the 12th instant, a Report of the School Visitor, under the Ordinance 2 VIC. Cap. 43, in the County of *Beauharnois*.

For the said report, see Appendix (I.)

Mr. *Aylwin* moved, seconded by Mr. *Cameron*,

That 500 copies of the Return of the correspondence laid before the House this day, pursuant to the Address of this House of the 1st instant, be printed for the use of the members of this House.

Report of School  
Visitor presented.

Correspondence on  
timber dues to be  
printed.

The question being put upon the said motion, a division ensued, and it was carried in the affirmative.

*Ordered*, accordingly.

Report of School  
Visitor referred to  
committee.

*Resolved* — That the Report of the School Visitor, under the Ordinance 2 VIC. Cap. 43, in the County of *Beauharnois*, laid before the House this day, be referred to a Committee of three members to report thereon with all convenient speed; with power to send for persons, papers and records.

*Ordered* — That Mr. *Dunscumb*, the Honorable Mr. *Moffatt*, and Mr. *Morin*, do compose the said Committee.

Committee on  
Petitions of Stull  
and Lampman, John  
Decow and others,  
and of John Kalar,  
presents report.

Mr. *Merritt*, from the Select Committee to which were referred the Petitions of *Adam Stull* and *Peter Lampman*, of the Township of *Grantham* — of *John Decow*, and others, of the County of *Haldimand*, and of *John Kalar*, of the County of *Lincoln*, with power to report by Bill or otherwise, presented to the House the Report of the said Committee, which was again read at the Clerk's Table, as followeth : —

Report.

"With reference to the Petition of *Adam Stull* and *Peter Lampman*, your Committee consider the petitioners as justly entitled to their claim; but as the application of the petitioners would involve the expenditure of public money, it cannot, under the provisions of the Act of Union, be acted upon by the Legislative Assembly, unless recommended by the Executive Government.

With respect to the petition of *John Decow*, and others, your Committee have carefully considered the prayer of the petitioners, and in compliance therewith have drafted a Bill to incorporate a Company to be called the "Haldimand Glass Factory," which they beg to submit for the adoption of your Honorable House; but as regards that part of the application of the Petitioners which relates to a pecuniary grant to assist the Company aforesaid, the Committee consider that it would be a precedent which would open a door to so many applications of a similar nature, that they cannot recommend that it be granted."

Haldimand Glass  
Company bill read.

Mr. *Merritt* then presented to the House a Bill to establish a Company to be called the "Haldimand Glass Works Company," which was read for the first time.

*Ordered* — That the said Bill be read a second time on *Friday* next.

On motion of Mr. *Neilson*, seconded by Mr. *Parent*,

Order of day for  
committee of whole  
on petition of  
William Walker and  
others, revived.

*Ordered* — That the order of the day for the House in Committee, to take into consideration the petition of *William Walker*, and other inhabitants of the City of *Quebec*, relating to the Timber Trade, lost by the adjournment of the House of yesterday, be revived, and that this House will, on to-morrow, resolve itself into the said Committee.

On motion of Mr. *Prince*, seconded by Mr. *Price*,

House considers  
amendment made by  
Legislative Council  
to Turner's relief  
bill and agrees  
to the same.

*Ordered* — That the amendment made by the Legislative Council to the Bill intituled "*An Act to permit Robert John Turner to practice as Solicitor in the Court of Chancery*," be now taken into consideration.

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The House proceeded accordingly to take the said amendment into consideration

And the said amendment was read, and is as followeth : —

"Line 8 — After the word "Province," leave out the word "and" in 12 line."

And the said amendment being again read, it was agreed to by the House.

*Ordered* — That Mr. *Prince* do carry back the said Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their amendment.

Bill to prevent failure of justice in undue elections, presented and read first time.

*Ordered* — That Sir *Allan McNab*, have leave to bring in a Bill for preventing any failure of justice in respect of complaints of undue elections or returns of members of the Legislative Assembly of this Province, at the last General Election.<sup>9</sup>

He accordingly presented the said Bill to the House, and the same was read for the first time, and

**Mr. Baldwin** observed, it was not to amend, but extend the law.<sup>10</sup>

**Mr. Cameron** asked, whether extension was not an amendment.<sup>11</sup>

**Mr. Moffatt** decidedly would say yes.<sup>12</sup>

**Sir Allan MacNab** having the scheme already concocted, produced the preamble of his bill, by which he is aiming at the gratification of a party who regard him after all in rather a humiliating light. The bill being read a first time, — he had the extreme candour and moderation, to press the second reading instanter.<sup>13</sup>

He was supported by **Mr. Aylwin**.<sup>14</sup>

**Attorney General Ogden** objected. When he had conceded that the bill should be introduced without any previous notice being given, he had not expected that this advantage would be taken. He had not yet seen the petitions, and he thought that before any steps were taken to obtain (sic) a decision, it was due to the house to know whether the existing law was to be maintained or not. Till he had examined the petitions he could not discharge his duty conscientiously; and he would ask what the delay of a day or two was in a matter of this kind.<sup>15</sup>

**Mr. Aylwin**. — The hon. and learned Attorney General asks what the delay of one day is. Though my parliamentary experience has not been great yet I have seen enough to know that if one day's delay had not intervened, a certain measure which has recently received the sanction of this house would not have passed. My desire that an early discussion should take place is that hon. members might not forget their professions of last night. I am surprised to hear the hon. Attorney General say he has not yet read these petitions, involving as they do such serious charges against the administration of which he is a member, charges which have not only been repeated in this country, but which have found their way across the Atlantic, and created in the minds of men there the most extraordinary sensation. I should have thought this alone would have induced him to dedicate five minutes of his time to see what they were made of. Several of those petitions were read in this house, one by myself, and others by hon. friends, so that the learned gentleman can hardly plead ignorance of them. The subject is not one which will admit of further delay, if the house is really sincere that the measure should pass. If the bill is bad in principle I have no objection to its being rejected; but let the opposition be manly, and let it not be attempted to get rid of it by a side blow.<sup>16</sup>

**Mr. Cameron**... disclaimed against this indecent hurry, in a measure so important....<sup>17</sup>

**Attorney General Ogden** thought there was nothing unreasonable in their asking for twenty-four hours' delay before proceeding to the second reading of a bill which might involve them in the consequences of an *ex post facto* law. The course, he declared was a most unusual one, though he knew that it was sometimes followed at the end of a session. As to the sensation which the hon. gentleman said had been created in the minds of men in England, he did not care a snap of his finger for those sensations. He knew that a foul use had been made of the public press in that country as well as in this province, and that men had been found base enough to intrude these calumnies into the House of Commons. This would not deter him from his duty, or prevent him from asking that the second reading be postponed till Friday.<sup>18</sup>

**Mr. Johnston** proposed as an amendment that the petitioners should be allowed to proceed on the laws now in force on the understanding that their petitions should not be entertained till the next meeting of the United Legislature. (A laugh.) He would state his reasons for this. It was now more than a month since they had met, and yet they had passed no useful law: nearly all their attention had been taken up with these petitions, and he was not willing to consume any more time or inflict further injustice on those members whose elections



were contested, and who had been returned by whopping majorities. If these petitions were taken up next year the petitioners would have the same advantages they had before, and he was not disposed to interfere with the decision of last night. He did not believe there was any intention to prosecute the charges which had been made, and it was only fair that the parties bringing them should be made to feel the responsibility of their acts.<sup>19</sup>

**Mr. Price.** — The hon. member objects that the time of the house is taken up uselessly. If when he goes home he will reflect on the number of speeches which are made on all occasions, he will perhaps see the reason of this delay. I am myself surprised that the government has not thought fit, by the introduction of a bill like the present, to give the parties who have not conformed to the law, an opportunity of doing so.<sup>20</sup>

**Sir Allan MacNab** was eventually prevailed upon to postpone the second reading for Friday next the first order of the day....<sup>21</sup>

(182)

*Ordered* — That the said Bill be read a second time on *Friday* next, and that it be then the first Order of the day.

Municipal Bill brought in.

*Ordered* — That the Honourable Mr. *Harrison* have leave to bring in a Bill to provide for the better internal Government of that part of this Province, heretofore *Upper Canada*, by the establishment of local or Municipal authorities therein.

He accordingly presented the said Bill to the House, and the same was read for the first time.

*Ordered* — That the said bill be read a second time on *Wednesday* next.

500 copies of foregoing bill to be printed.

The Honorable Mr. *Harrison* moved, seconded by the Honorable Mr. *Dunn*, that 500 copies of the said Bill be printed for the use of the members of this House.

Mr. *J. S. M'Donald*, moved in amendment, second by Mr. *M'Lean*, that all the words in the said motion after "that" be struck out, and the following substituted, "1000 copies of the said Bill in the *English*, and 200 copies in the *French* languages, be printed for the use of the members of this House."

The question being put upon the motion of amendment, a division ensued, and it passed in the negative.

The question being then put on the main motion, a division also ensued, and it was carried in the affirmative.

*Ordered*, accordingly.

On motion of Mr. *Merritt*, seconded by Mr. *Thompson*,

Address to be sent to His Excellency, for information in relation to address to Her Majesty on subject of introduction of products of this Province into British Ports free of duty, &c.

*Resolved* — That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to inform this House what answer has been received from Her Majesty's Government to the Address of the House of Assembly of *Upper Canada*, during the last Session, on the subject of the introduction of the products of this Province into the Ports of *Great Britain*, free from duty, and to invest the Legislature with power to originate and vary duties on products when admitted into the Ports of this Province.

*Ordered* — That the said Address be presented to His Excellency by such members of this House as are of the Honorable the Executive Council of this Province.

Bill to protect copy rights presented and read.

*Ordered* — That Mr. *Campbell* have leave to bring a Bill for the protection of Copy Rights in that part of the Province formerly constituting *Upper Canada*.<sup>22</sup>

**Mr. Campbell**... informed the house that there was already a similar act in force in Lower Canada, and the object ((was)) now to provide for the present measure till that act is enforced, when a general law could be introduced for the whole Province.<sup>23</sup>

(183)

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and —

*Ordered* — That the said Bill be read a second time on *Monday*, the *ninth of August* next.

On motion of Mr. *Duggan*, seconded by Mr. *Price*,

*Resolved* — That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House copies of all communications had between His Excellency and the Home Government, in reference to the locality of the Seat of Government of *Canada*, and any other information in relation to the same, that it may be in His Excellency's power to communicate.

*Ordered* — That the said Address be presented to His Excellency by such members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. *Small*, seconded by Mr. *Johnston*,

*Resolved* — That this House do now resolve itself into a Committee of the whole House to take into consideration the propriety of repealing or amending certain parts of an Act of the Parliament of the late Province of *Upper Canada*, entitled "*An Act to alter the mode of payment of wages to Members of the House of Assembly.*"<sup>24</sup>

Address to be sent to His Excellency for information in relation to seat of Government.

House to go into committee on payment of wages to members.

Mr. *Small*... said it was highly necessary that some general measure should be introduced to regulate this matter. As the law now stood, every member from that portion of the Province formerly *Upper Canada*, was entitled to a sum of £50 for his attendance if the Session was continued more than a month, and £30 if less than that time, but no such provision was made for *Lower Canada*. — What he now proposed was, that both parts of the Province should be placed on the same footing. It might, in the consideration of this question, be argued that no remuneration ought to be given, and if so, he should not object to it, (hear, hear,) at the same time he thought no such determination should be come to precipitately. Many sections of the country might not be able to bear the expense of sending a member and to these parties it would be hardship to withhold this payment.<sup>25</sup>

Mr. *Black* would not oppose the present motion though he should resist the bill in all its stages.<sup>26</sup>

Mr. *Baldwin* regarded the question as one of great importance and though he was opposed to the principle it contained he should be prepared to support it so far as it went to place all members on the same equality, and mete equal justice to East and West.<sup>27</sup>

Mr. *Johnston* did not see why a portion of the members should receive 10s. and another portion nothing. If it was refused to those gentlemen he certainly should not take it.<sup>28</sup> Mr. *Johnston* remarked, that if the learned member for the town of *Quebec* was against receiving any remuneration; he could indulge his disinterestedness by transferring his allowance to some charitable institution.<sup>29</sup>

Mr. *Black*, in retort, regretted that Mr. *Johnston* should give way so repeatedly to personalities, especially when a subject of so serious a nature was under discussion.<sup>30</sup>

((There were)) some further remarks....<sup>31</sup>

(183)

The House accordingly resolved itself into the said Committee.

Mr. *Williams* took the Chair of the Committee,

Messrs. *Hincks*, *Harrison*, *Draper*, *Johnston*, *Moffatt*, *Child*, *Price*, *Viger*, *Macdonald*, *Prince*, and *Hamilton* took part in the debate.<sup>32</sup>

(183)

and after some time spent therein,

Mr. *Speaker*, resumed the Chair,

And Mr. *Williams* reported that the Committee had made some progress, and had directed him to move for leave to sit again.

*Ordered* — That the said Committee have leave to sit again on *Friday* week.

Progress.  
Committee to sit again.

House proceeds to consider the motion of Mr. Prince on the Saint Maurice election.

The Order of the day for taking into consideration a motion made by Mr. Prince, on Monday the 28th of June last, viz: "That the grounds and reasons of complaint set forth in the petition of divers electors of the county of *St. Maurice*, if true, are sufficient to make void the election of *Joseph Edouard Turcotte*, Esquire," being read,

The House proceeded accordingly to take the said motion into consideration.<sup>33</sup>

Mr. Morin would vote for the resolution, but was not prepared to say that all those allegations, even if true, were sufficient to set aside the Election. He was desirous that an investigation should take place, and therefore would not oppose the motion.<sup>34</sup>

Mr. Aylwin said the charges contained in the petition were scandalous and impertinent, and that if the document were to be judged of by its language, it should be thrown under the table. One of the allegations spoke of perjury. The person making that allegation could only have done so through ignorance and wickedness, since he must have known that even if the case were as he hinted, it would not form a subject for enquiry in a criminal Court. He denied that those who signed the petition, were occupying the most respectable rank in the County, which was one of the largest in the Province. He thought some proof should be advanced before the House said the allegations were true.<sup>35</sup>

Mr. Prince said he was surprised to find the Member for Port Neuf take the course he did, after his eloquent defence yesterday of the rights of petitioners. The House was there as the Trustees of the Electors of *St. Maurice*, and yet his hon. friend turned round and repudiated what he had before so eloquently advocated. He did not wish the House to prejudge the case, but that that ample enquiry which his hon. friend had called for last night for other petitions, should take place in regard to this.<sup>36</sup>

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and the said motion being again read, and the question being put thereon, it was agreed to by the House and,

Resolved accordingly.

Time fixed for trial of Saint Maurice contested election.

Resolved — That Monday, the second day of August, at 11 o'clock A. M., be assigned for taking into consideration the petition of divers electors of the county of *St. Maurice*, complaining of the undue election of *Joseph Edouard Turcotte*, Esquire.

Poll Book to be transmitted to the Clerk of the House.

Mr. Prince moved, seconded by Mr. Black, that the Prothonotary of the Court of King's Bench, for the District of *Three Rivers*, be enjoined to transmit forthwith, under cover to the Clerk of the House, the Poll Book for the last election of the county of *St. Maurice*, and all the papers relating thereto.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative, and,

Resolved accordingly.

House in committee on 1st report on clerk's office.

The Order of the day for the House in Committee on the first report of the Special Committee appointed to enquire what assistance it will be necessary to afford to the Clerk, and what offices and departments it will be expedient to establish for the effective and orderly conduct of the business of this House, being read,

(184)

The House accordingly resolved itself into the said Committee,

Mr. Dunscomb took the chair of the Committee.

Several Members having retired,

Mr. Speaker resumed the chair,

And the names of the Members present were taken down as followeth: —

Mr. Speaker.

Mr. Baldwin, Mr. Black, Mr. Boutillier, Mr. Attorney General Draper, Mr. Dunscomb, Mr. Durand, Mr. Gilchrist, the Honourable Mr. Harrison, the Honourable Mr. Killaly, Sir Allan McNab, the Hon-



ourable Mr. *Moffatt*, Mr. *Morin*, Mr. *Raymond*, Mr. *Simpson*, and the Honourable Mr. *Viger*.

And at 11 o'clock at night, Mr. Speaker adjourned the House for want of a quorum.

### Appendix, 14 July 1841.

#### ((Notice of Proposed Motions.))

Sir Allan MacNab gave notice, that he would move for leave to bring in a bill providing for the independence of the House of Assembly of the United Province of Canada.<sup>37</sup>

Mr. Durand moved that the order of the day for a Committee of the Whole, on the Sydenham Road Bill, lost by the adjournment of yesterday, be revived, and that, the Bill be taken into consideration on Friday next.<sup>38</sup>

#### ((Withdrawn Motion Re : Speaker's Warrant.))

A discussion took place on a motion for the Speaker to issue his warrant to require the attendance of the Returning Officer of the District of Three Rivers, at the bar of the House. The resolution was ultimately withdrawn.<sup>39</sup>

Footnotes — 14 July 1841.

1. The discussion arising from the presentation of this petition was reported in: MONTREAL GAZETTE, 17 July 1841; KINGSTON CHRONICLE, 17 July 1841.
2. MONTREAL GAZETTE, 17 July 1841.
3. The comments made about this were reported in: KINGSTON CHRONICLE, 17 July 1841; BRITISH COLONIST, 21 July 1841.
4. EXAMINER, 21 July 1841.
5. KINGSTON CHRONICLE, 17 July 1841.
6. IBID.
7. IBID.
8. IBID.
9. The debate arising from MacNab's bill was reported in: LE CANADIEN, 16 July 1841; KINGSTON CHRONICLE, 17 July 1841; BRITISH COLONIST, 21 July 1841.
10. BRITISH COLONIST, 21 July 1841.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. KINGSTON CHRONICLE, 17 July 1841.
16. IBID.
17. BRITISH COLONIST, 21 July 1841.
18. KINGSTON CHRONICLE, 17 July 1841.
19. IBID.
20. IBID.
21. BRITISH COLONIST, 21 July 1841.
22. This led to remarks reported in: KINGSTON CHRONICLE, 17 July 1841; BRITISH COLONIST, 21 July 1841.
23. KINGSTON CHRONICLE, 17 July 1841.
24. The debate arising from this motion was reported in: MONTREAL GAZETTE, 17 July 1841; BRITISH COLONIST, 21 July 1841; KINGSTON CHRONICLE, 17 July 1841.
25. KINGSTON CHRONICLE, 17 July 1841.
26. IBID.
27. IBID.
28. IBID.
29. BRITISH COLONIST, 21 July 1841.
30. IBID.
31. KINGSTON CHRONICLE, 17 July 1841.
32. IBID.
33. The debate arising from this motion was reported in: MONTREAL GAZETTE, 17 July 1841; KINGSTON CHRONICLE, 17 July 1841; BRITISH COLONIST, 21 July 1841.
34. KINGSTON CHRONICLE, 17 July 1841.
35. IBID.
36. IBID.
37. BRITISH COLONIST, 21 July 1841.
38. KINGSTON CHRONICLE, 17 July 1841. This was also reported in: BRITISH COLONIST, 21 July 1841.
39. KINGSTON CHRONICLE, 17 July 1841.

**Thursday, 15 July 1841.**

Mr. Parke takes his seat.

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*Thomas Parke*, Esquire Member for the county of *Middlesex*, having previously taken the oath according to law, and subscribed before the Commissioners the roll containing the same, took this seat in the House.

Petitions brought up.

The following petitions were severally brought up, and laid on the table :

*Pierre Beaubien* and others.

By Mr. *Quesnel*, the petition of *Pierre Beaubien*, and others, Members of the Mutual Fire Insurance Company of *Montreal*.

Hon. John G. Thompson and others.

By Mr. *Hamilton*, the petition of the Honourable *John G. Thompson*, and others, Inhabitants of *New Carlisle*, in the District of *Gaspé*.

*Norval Wait* and others.

By Mr. *Small*, the petition of *Norval Wait*, and others, Jurors of the District Court of the *Home* District.

*F. Laroche* and others.

By Mr. *Aylwin*, the petition of *F. Laroche*, and others, inhabitants of the late Province of *Lower Canada*.

*J. W. Keating* and others.

By Mr. *Cameron*, the petition of *J. W. Keating*, and others inhabitants of the *Northern* townships, in the *Western* District.

Petitions read.

Pursuant, to the Order of the day the following petitions were read :

Of Board of Trade *Montreal*.

Of the Board of Trade of *Montreal* respecting Bankrupt Law, and praying certain amendments to the said Bankrupt Law — Of the Board of Trade of *Montreal* respecting Real Estate, and praying that no mortgage shall be binding until it is enregistered in a Public Office.

Ditto (2).

Of *Andrew Patton* of *Stanstead*, praying for an increase of salary, as land waiter at that Port.

Of *Andrew Patton*.

Of *Henry Trout* and others.

Of *Henry Trout* and others, inhabitants of the townships of *Asphodel*, and *Dummer*, praying for a grant of Money to construct a road in the township of *Asphodel*.

Of *M. Townsend* and others.

Of *M. Townsend*, and others inhabitants of *Foucault*, *Noyan*, and other places, praying for a grant of £500, to build a Bridge over the *South River*.

Of *Henry Douthitt*.

Of *Henry Douthitt*, of *Port Colborne*, praying to be naturalized.

Of *John Montgomery* and others.

Of *John Montgomery*, and others, inhabitants of the township of *Roxborough*, praying for the opening of a road through that township.

Of *G. P. Kirby* and others.

Of *George P. Kirby*, and other inhabitants of the county of *Kent*, praying that *John Jenner* be authorized to build a mill on the *River Thames*.

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Of *J. Adams* and others.

Of *James Adams*, and other inhabitants of the township of *Oro*, praying for the establishment of Districts Councils.

Of *H. Jessop*.

Of *Henry Jessop*, of the City of *Toronto*, praying to be admitted to practice as an attorney of the Court of Queen's Bench.

Of Corporation of *Montreal*.

Of the Corporation of the City of *Montreal*, praying to be authorized to pay a greater rate of interest than six per cent to obtain loans of Money.

Of North American Colonial Association of *Ireland*.

Of the *North American*, Colonial Association of *Ireland*, praying to be authorized to loan Moneys to the District Council for the construction of roads, &c, in the county of *Beauharnois*.

Of President and Directors, Bank of Upper Canada.

Of the President Directors and Company of the Bank of *Upper Canada*, praying for an increase of capital, and to have its operations extended to the whole Province.

Of G. P. Ridout,  
respecting the  
currency.

Of G. P. Ridout,  
respecting Usury  
Law.

Of G. P. Ridout,  
respecting inspection  
of produce.

Of G. P. Ridout,  
respecting timber  
duties.

Petitions referred.

Of Board of Trade  
of Montreal.

Of G. P. Ridout,  
respecting inspection  
of produce.

Of G. P. Ridout,  
respecting timber  
duties.

Of President and  
Directors of Bank  
of Upper Canada.

Of G. P. Ridout,  
respecting currency.  
Of G. P. Ridout,  
respecting Usury  
Laws.

Messages from His  
Excellency.

Of *George P. Ridout*, of the City of *Toronto*, praying for an Act to equalize the currency of the United Provinces, and that a more equitable value be affixed to the current coins.

Of *George P. Ridout*, of the City of *Toronto*, praying for an Act to repeal part of the Law respecting Interest of Money.

Of *George P. Ridout*, of the City of *Toronto*, praying the repeal of certain clauses in the Acts or Ordinances providing for the inspection of Flour and Meal, Pork and Beef, &c.

Of *Georges P. Ridout*, of the City of *Toronto*, praying that this House will make such representations to the Imperial Parliament as in its wisdom it may deem expedient, respecting proposed alterations in the Timber duties.

On motion of the Honourable Mr. *Moffatt*, seconded by Mr. *Buchanan*,

*Ordered* — That the Petition of the Board of Trade of *Montreal*, respecting Inspectors of pork and beef, flour, ashes, &c., be referred to the Committee of the whole House, to take into consideration the expediency of allowing the exportation from this Province of flour and meal, pot and pearl ashes, and beef, and pork, without inspection, and of amending and consolidating the laws now in force in this Province in relation to the inspection of the said commodities.

On motion of Mr. *Buchanan*, seconded by Mr. *Hale*,

*Ordered* — That the Petition of *George P. Ridout*, of the City of *Toronto*, respecting the inspection of flour and meal, pork and beef, &c., be referred to the said Committee.

*Ordered* — That the Petition of *George P. Ridout*, of the City of *Toronto*, respecting the timber duties, be referred to the committee of the whole House, to take into consideration the Petition of *William Walker*, and other inhabitants of the City of *Quebec*, relating to the timber Trade.

*Ordered* — That the Petition of the President Directors and Company of the Bank of *Upper Canada* for an increase of capital, and to have its operations extended to the whole Province; and the two Petitions of *George P. Ridout*, of the City of *Toronto*, on the currency and usury laws, be referred to the select committee on currency and banking.

The Honourable *S. B. Harrison*, one of Her Majesty's Executive Council, delivered to Mr. Speaker three Messages from His Excellency the Governor General, signed by His Excellency.

And the said Messages were read by Mr. Speaker, all the members of the House being uncovered, and are as followeth: —

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SYDENHAM,

The Governor General transmits to the House of Assembly, in answer to their Address of the 13th instant, a copy of the Letters Patent under the Great Seal of the Province, appointing *Robert Baldwin*, Esquire, a member of the Executive Council; and informs the House that Mr. *Baldwin* was sworn in on the 17th May last.

SYDENHAM.

VICTORIA, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, QUEEN, Defender of the Faith. To all to whom these presents shall come, or whom the same may concern.

GREETING :

KNOW YE that WE, being well satisfied of the Loyalty, Integrity, and ability of Our trusty and well beloved, ROBERT BALDWIN, of Our City of *Toronto*, Esquire, have thought fit to admit and appoint, and by

With Letters Patent  
calling R. Baldwin,  
Esq. to the Executive  
Council.

Letters Patent  
calling R. Baldwin,  
Esq. to Executive  
Council.

PROVINCE OF  
CANADA. }

Letters Patent, appointing ROBT. BALDWIN, Esq., a member of Her Majesty's Executive Council.

FIAT.

Recorded in the Register's Office of the Records at Quebec, the 15th day of February, 1841, in the sixteenth Register of Letters Patent and Commissions.

D. DALY,  
Reg'r.



these presents do admit and appoint him, the said Robert Baldwin, to be one of the members of Our EXECUTIVE COUNCIL, for the affairs of Our said Province of CANADA, and after he shall have taken the oaths in that behalf by law required, to take his seat in Our said Council, next after William Henry Draper, Esquire. TO HAVE AND TO HOLD to him, the said Robert Baldwin, the said office of member of Our said Council, of Our said Province, with all and singular the rights, privileges, and profits thereunto appertaining, or in any wise belonging for and during Our Royal pleasure.

IN TESTIMONY whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Our said Province of Canada to be hereunto affixed.

Witness Our Right Trusty and well Beloved, the Right Honorable CHARLES BARON SYDENHAM, of Sydenham, in the County of Kent, and of *Toronto* in Canada, one of Our Most Honorable Privy Council, Governor General of British North America, and Captain General and Governor in Chief in and over Our Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice Admiral of the same.

At Our Government House in Our City of Montreal, in Our said Province of Canada, the thirteen day of February, in the year of Our Lord one thousand eight hundred and forty one, and in the fourth year of Our Reign.

D. DALY,  
Secretary.

Registrar's Office, Kingston, }  
15th July, 1841.

I do hereby certify that the foregoing is a correct and true copy of the original appointment, with which it has been carefully collated by me.

R. A. TUCKER,  
Registrar.

SYDENHAM,

In conformity with the request of the House of Assembly, the Governor General has directed a warrant to be issued in favor of the Speaker of that House, for the sum of Five Thousand Pounds, to be

Message announcing  
issue of Warrant for  
contingencies.

(187)

applied in liquidation of the Contingent Expenses due by the Legislature of the late Province of *Upper Canada*, and towards the payment of the contingencies of the House during the present Session, and the Governor General will be prepared to recommend this grant to the Legislature, in conformity with the provisions of the Imperial Act of Union.

Government House, }  
Kingston, 15th July, 1841.

SYDENHAM,

In answer to their Address of the 13th instant, the Governor General informs the House of Assembly, that he proposes to submit to them, in the course of a short time, a general measure on the subject of the Public Works in the Province; and he assures the House that no delay will arise on his part, so soon as he is in a situation to do so.

Government House, }  
Kingston, 15th July, 1841.

Message on Public  
Works.

Accounts of King's  
and Upper Canada  
College presented.

The Honourable *S. B. Harrison* presented, pursuant to an address of the House of Assembly, of the 29th April, 1839, statements relating to the expenditure of King's College and *Upper Canada* College.  
For the said Statement, see Appendix (J.)

Papers respecting sale of public lands presented.

And also papers pursuant to the 24th Clause of an Act promulgated the 17th May, 1838, entitled "*An Act to provide for the disposal of public Lands in this Province.*"

For the said Papers, see Appendix (K.)

Committee on petition of Montreal Ladies Benevolent Society reports bill.

Bill to incorporate Montreal Ladies Benevolent Society read 1st. time.

2nd reading Monday.

Committee on pet. of inhabitants of Grand River Lands report Bill.

Caledonia Bridge Co. Bill read 1st time.

2nd. reading this day week.

Committee on contingent accounts report.

Report.

The Honourable Mr. *Moffatt*, from the Special Committee, to which was referred the Petition of the members of the *Montreal Ladies Benevolent Institution*, with power to report by Bill or otherwise, presented to the House a Bill to incorporate the Ladies Benevolent Society of *Montreal*, which was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Monday* next.

Mr. *Thompson*, from the Special Committee to which was referred the Petition of divers Inhabitants of the *Grand River Lands* in the county of *Haldimand* in the district of *Niagara*, and other adjacent places in the District of *Gore*, with power to report by Bill or otherwise, presented to the House a Bill to incorporate certain persons under the title of the "*Caledonia Bridge Company*," which was received and read for the first time.

*Ordered* — That the said Bill be read a second time on this day week.

Mr. *Thorburn* from the Special Committee on the contingent accounts and expenses of the present Session, with power to report from time to time, presented to the House the first report of the said Committee; which was again read at the Clerk's table as followeth:

Your Committee have examined the accounts submitted to them by the Clerk of the House of Assembly of the late Province of *Upper Canada*, a statement of which they have appended hereto, and recommend that the several sums be paid in conformity thereto, out of the moneys now in the hands of Mr. Speaker, agreeably to the resolution of the Legislative Assembly in their address to His Excellency, the Governor General.

Statement of claims upon the late House of Assembly of *Upper Canada*, up to the 13th day of *June*, 1841, inclusive, submitted by the late Clerk of said Assembly.

	£	s.	d.
James Fitzgibbon, Esq., his salary from 1st January, 1840, to 9th June, 1841, both days inclusive, a £200 per annum .....	287	13	5
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Brought over .....	287	13	5
William P. Patrick, Chief Copying Clerk, balance of salary, a £300 per annum .....	224	3	6 <sup>3</sup> / <sub>4</sub>
David Jardine, Copying Clerk, balance of work done in the office .....	91	5	0
William Coates, do. do.....	135	10	0
Alfred Patrick, do. do.....	134	1	8
Thomas Vaux, do. balance of salary, a £200 per annum .....	196	19	1
Alfred Todd, do. balance of work done in the office .....	134	18	4
Thaddeus Patrick, do. do.....	153	15	0
Charles Fitzgibbon, do. do.....	129	16	8
Henry Stuart, do. do.....	55	10	0
Henry Hartney, do. do.....	51	13	4
Andrew Stuart, do. do.....	44	0	0
Æneas Bell, Chief Messenger, balance of wages .....	63	8	9

Statement of claims, against the House of Assembly of the late Province of Upper Canada.

King Barton, Office do. ....	21	0	0
Michael M'Carthy, wood sawyer and labourer ..	10	16	3
Messrs Rowsell, stationers .....	69	9	3
Richard Brewer, Binder, balance of account .....	204	13	4
Robert Stanton, Printer, do.....	476	13	2
*William C. Coates, Printer, do.....	613	5	3
Hugh Scobie, Printer do.....	64	11	6½
Messrs. Rogers, and Thompson, do. do.....	127	17	4
Messrs. Eastwood, and Skinner, Paper Makers do.....	190	18	1½
John E. Brayley, Carpenter, do.....	115	10	3
Francis Thomas, Whitesmith, do.....	4	2	0
William Musson, Tinsmith do.....	2	19	1
Joseph Brown, account for wood .....	37	16	3
Richard Tinning, do. ....	12	10	0
Archibald M'Donald, Forwarder .....	3	13	4
Charles Berczy, Esq., Post Master, Toronto, balance of account .....	130	2	4½
Anthony Manahan, Esq., paid by him for pack- ages .....	1	2	6
Michael M'Carthy, Watchman of the Parliament Buildings, by order of Executive Council, from 2nd July, 1840 to 8th June, 1841, inclusive, a 5s. per night .....	85	15	0
Allowance to the Clerk of one per cent on £5,432 10s. 3½d., disbursed by him .....	54	6	6
Amount overpaid by the Clerk beyond the es- timates of the last Session and other sums in his hand, £92 14s. 7¾d. less £14 1s. 1d., overpaid Thomas Dalton, Printer .....	78	13	6¾
Amount carried up .....	£ 4,008	9	11

\* This account as rendered is not according to the contract ; it was returned to Mr. Coates in *Toronto*, to be corrected, but on the following day it was again sent in without alteration.

JAMES FITZGIBBON,  
Clerk of Assembly.

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	£	s.	d.
Amount brought up .....	4,008	9	11
Sum paid by Mr. Thorburn .....	1	5	0
	£ 4,009	14	11
* This sum to be further considered .....	613	5	3
	£ 3,396	9	8

Report referred to  
Com. to whole  
to-morrow.

Committee on pet's  
of B. Ham, and  
D. Roblin and others,  
report.

*Ordered*—That the said Report be referred to a committee of the whole House to-morrow.

Mr. *Aylwin*, Chairman of the select Committee appointed in accordance with the statute, to try the merits of the Petitions, of *Benjamin Ham*, of the township of *Ernest-town*, and *David Roblin* and others, freeholders of the incorporated counties of *Lennox* and *Addington*, in the *Midland* District, complaining of the undue election and return of *John Solomon Cartwright*, Esq., as a Member to represent the said Incorporated counties, presented the final report of the said Committee, which is as follows :



Report of Committee  
on Lennox and  
Addington election.

The Committee of your Honourable House, appointed to try the contested Election for the incorporated counties of *Lennox* and *Addington*, has the honour to report the following resolutions :—

*Resolved* — That the evidence adduced in support of the charges against the Returning Officer is not sufficient to avoid the last election and Return for the Incorporated Counties of *Lennox* and *Addington*.

*Resolved* — That although the allegations against the conduct of the Returning Officer contained in the Petition are not sufficiently proved to avoid the election, yet it is the opinion of this Committee that the conduct of the said Returning Officer was highly reprehensible.

*Resolved* — That treating, on the part of the sitting member, at the late Election for the Incorporated counties of *Lennox* and *Addington*, was proved, but that it is not, in the opinion of the Committee, a legal ground for avoiding the election under the laws in force in that part of this Province heretofore *Upper Canada*.

*Resolved* — That it does not appear to this committee that the sitting member has, by himself or his authorized agents, been guilty of bribery.

*Resolved* — That the Petitions were not frivolous or vexatious.

*Resolved* — That the defence of the sitting member was not frivolous or vexatious.

All which is respectfully submitted.

T. C. AYLWIN,  
Chairman.

Committee Room, Legislative  
Assembly, this 15th day  
July, 1841.

Leave of absence to  
Mr. Aylwin.

*Ordered* — That Mr. *Aylwin*, have leave to absent himself from this House until the 5th day of *August* next, on urgent private business.

Leave of absence to  
Mr. Campbell.

*Ordered* — That Mr. *Campbell* have leave to absent himself from this House until the Return of the Commission on the *Niagara* contested election.

Leave of absence  
to Mr. Hopkins.

*Ordered* — That Mr. *Hopkins* have leave to absent himself from this House during the space of 10 days, in consequence of ill-health.

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Motion for summons  
to J. E. F. de Carufel,  
to give evidence on  
St. Maurice election.

Mr. *Prince* moved, seconded by Mr. *Cameron*, That Mr. Speaker do issue this summons to *Joseph Eustache Sicard de Carufel*, Esquire who was returning officer at the late election for the county of *St Maurice*, to attend and give evidence at the Bar of this House, on *Monday* the 2nd day of *August* next, at noon, on the trial of the controverted election for that county.

Lost.

The question having been put upon the said motion, a division ensued and it passed in the Negative.

Mr. *Small* moved, seconded by Mr. *Hincks*,

Clerk of Crown in  
Chancery to furnish  
pet'r's agt. with copy  
of poll book at  
*Niagara* election.  
And Commissioners  
to receive the same  
in lieu of original.

That the Clerk of the Crown in Chancery do furnish to the agent for the Petitioners complaining of the undue election and return of *E. C. Campbell*, Esquire, to represent the town of *Niagara*, a certified copy of the Poll Book in his possession, taken at the last election for the said Town of *Niagara*, and that the Commissioners appointed to take the examination of witnesses in the said matter be permitted to receive the same in lieu of the original Poll Book.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative.

*Resolved* accordingly.

On motion of Mr. *Derbshire*, seconded by Mr. Attorney General *Ogden*,

Return of Ottawa  
Timber duties to be  
printed.

*Ordered* — That the return of the amount of duties levied at *Bytown*, upon timber floated down the River *Ottawa*, for the last 5 years, laid before this House on the 12th Instant, be printed for the use of the members of this House.

Message sent to Leg.  
Com. for leave to  
Messrs. Caron and  
Fraser to attend Com.

*Resolved* — That a Message be sent to the Honourable the Legislative Council, praying their Honours will permit the Honourable *Réné Edouard Caron*, and *John Frazer*, two of their members, to attend the Select Committee of this House to which is referred the petition of *John William Woolsey*, Esquire, and others, of the City of *Quebec*, praying to be restored to their electoral Franchise, on *Saturday* next at two o'clock in the forenoon, to be examined on the subject of the said reference.

*Ordered* — That Mr. *Burnett* do carry the said Message to the Legislative Council.

Parties to St. Maurice  
contested election to  
present lists of wit-  
nesses before  
24th July.

On motion of Mr. *Prince*, seconded by Mr. *Thorburn*.

*Ordered* — That the Petitioners against the late election for the county of *St. Maurice*, and also the sitting member, do deliver to the Clerk of this House, on or before the 24th day of *July* Instant, a list of the witnesses whom they mean to produce on the trial of the said controverted election.

Committee of whole  
on common schools  
on Tuesday next.

On motion of Mr. Solicitor General *Day*, seconded by the Honourable Mr. *Harrison*.

*Resolved* — That this House will, on *Tuesday* next, resolve itself into a Committee of the whole House to take into consideration the expediency of repealing certain Laws relating to the establishment and maintenance of Common Schools in the late Province of *Upper Canada*, and of making provision for the establishing and maintenance of Common Schools in this Province.

Committee of whole  
on periodical census,  
on Wednesday next.

*Resolved* — That this House will, on *Wednesday* next, resolve itself into a Committee of the whole House to take into consideration the expediency of making provision for taking a periodical census of the inhabitants of this Province, and obtaining other statistical information.

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Address to His  
Exc'y. for copy of  
acceptance by R.  
Baldwin Esq. to office  
of Executive Coun-  
cillor, &c. *Ordered*.

On motion of Mr. *Baldwin*, seconded by Mr. *Aylwin*,

*Resolved* — That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a copy of any paper purporting to be an acceptance, or notice, or intimation of the acceptance, by *Robert Baldwin*, Esquire, a member of this House, of the Office of Executive Councillor of this Province; and also, copies of any warrants that may have issued for the payment to the said *Robert Baldwin* of his salary as such Executive Councillor.

*Ordered* — That the said Address be presented to His Excellency by such members of this House as are of the Honourable the Executive Council of this Province.

On motion of Mr. *Johnston*, seconded by Mr. *Derbshire*,

Address to His  
Excellency for return  
of Ottawa timber  
duties since  
1835 *Ordered*.

*Resolved* — That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a return of all duties collected on timber in the *Ottawa* District since 1835.

*Ordered* — That the said Address be presented to His Excellency by such members of this House as are of the Honourable the Executive Council of this Province.

House in Committee  
on 1st. Report on  
Clerk's Office.

The order of the day for the House in Committee on the first report of the Special Committee, appointed to enquire what assistance it will be necessary to afford to the Clerk, and what offices and depart-

ments it will be expedient to establish for the effective and orderly conduct of the business of this House, being read,

The House accordingly resolved itself into the said Committee.  
Mr. *Williams* took the chair of the Committee.<sup>1</sup>

Upon motion for the adoption of that item contained in the report relating to the appointment of a French translator with a salary of £250 per annum.<sup>2</sup>

Mr. *Hamilton* moved in amendment that the sum be reduced to £200. That was the amount which had usually been paid in Lower Canada to the person who had filled that office, and he thought it should be no more here.<sup>3</sup>

Mr. *Moffatt* desired to know whether the office might not be dispensed with.<sup>4</sup>

Mr. *Aylwin* rose and indignantly reprobated the idea that the office of translator should be considered unnecessary, there being a large proportion of the members of that hon. house who were not familiar with the English language. He expressed his surprise that the hon. member for the city of Montreal should throw any obstacle in the way of the appointment of a translator, knowing as that hon. gentleman must know the importance which that appointment assumed in relation to a large proportion of the members of that hon. house.<sup>5</sup>

Mr. *Morin* would ask if the hon. member from Montreal represented that city as it is, (hear, hear,) He thought this colony must be greatly behind all others in point of intelligence as well as liberality of view. In the East India Colonies they had translators of all languages used in each particular colony, and they were sufficiently various. Besides the native tongues, there were Maltese, Portuguese, and various others, and the translators of those languages were paid by government. In this county there are only people of two origins, and how could hon. gentlemen who profess to be advocates of any thing like equal justice object to the appointment of a translator?<sup>6</sup>

Mr. *Hamilton*. — Far be it from me to object to having a translator. I wished only to reduce the sum to be paid to the translator to what it has always been in Lower Canada. He would have less to do here, and his salary surely should not be increased.<sup>7</sup>

Mr. *Viger* differed in opinion with the hon. member for Bonaventure. He thought the labor instead of being less in the united Parliament, would be greater.<sup>8</sup>

Mr. *J. S. Macdonald* said he was inclined to think a translator was absolutely required... although he did not know the person who had been named to perform the duties of that office...<sup>9</sup>

Mr. *Cameron* — He is a very good looking man! — (a laugh,) —

Yet he ((Mr. *Macdonald*)) would vote in favor of the appointment, and also in favor of the original sum proposed as his salary.<sup>11</sup>

Mr. *Moffatt* would ask if there was any thing unreasonable in asking for information upon this appointment, as upon all other questions. The hon. gentleman from Port Neuf had given him no information upon the subject, although he had thought proper to censure his (Mr. *Moffatt*'s) ignorance, and from that very circumstance he was inclined to think that that hon. gentleman was as ignorant as himself. He (Mr. *Moffatt*) desired to understand the reasons upon which every proposition upon which he was called upon to vote was founded. He had a duty to perform in that house, and he would perform it strictly, in whatever light his conduct might be viewed by hon. members.<sup>12</sup>

Mr. *Aylwin* said he was glad to find that the few words he had made use of had some weight with the hon. gentleman, and that he felt the tenor of his own observations was such as he could not properly justify, (order, order.) If the hon. gentleman desires that there should be no French translator in order that he may put down the French language — Mr. *Aylwin* was called to order, and sat down.<sup>13</sup>

Mr. *Berthelot* rose and said he would not make a long speech, but would merely refer to the statute, and if hon. members would only consent to be guided by that, he was inclined to think that without any further argument they would all agree to the appointment in question.



No nation could be totally divested of its nationality, or entirely lose its language; and although the Saxon race had in this country exceeded the people of French origin in power, and established a supremacy which redounded to the glory of the English nation, yet it was not to be expected that the French language would be discontinued. He did not claim for it the priority over the English, for since he had been in that house he began to be aware, a little more than formerly, of the generosity and noble-mindedness of the hon. members composing that house. The Imperial Parliament had thought fit to unite the representatives of these heretofore different Provinces into one Legislative Assembly. The Imperial Parliament must be obeyed in all things, but he (Mr. Berthelot) did not believe it had been the intention of the Imperial Parliament to treat the French portion of the Province otherwise than with the most liberal and generous policy, (hear, hear.)<sup>14</sup>

Mr. Holmes said he had listened with a great deal of pleasure to the speech of the hon. gentleman, (Mr. Berthelot,) and from the energy with which he had spoken, no doubt he expressed the true sentiments of his heart. He (Mr. Holmes) for one would regret extremely that any privilege should be withheld from the French members of that hon. house which was enjoyed by their English brethren, or that they should be placed upon a different footing in any respect. No doubt there were very few members in that house who could not, if necessary, express their sentiments perfectly well in English; but he would nevertheless claim for the British nation, whose glory they contributed to support; and he would claim from the representatives of the English portion of the Province of Canada, the privilege of having translated the documents which might come before that house for its consideration, for the benefit of his brethren and himself who were representatives of the French portion of the Province. The language would not be lost or done away. It was very well known that in numerous cases people living under the same form of Government preserve their original language perfectly distinct. The mountaineers of Scotland, for example continue to use the Gaelic tongue; the inhabitants of a certain part of Ireland, of that part the inhabitants of which are sometimes denominated wild Irish, (a laugh,) also preserve their tongue. Perhaps he was offending by speaking in this way — God knows nothing was farther from his intention. He appealed to the honest heart of every man whether that house ought not to allow to the representatives of the French people of the Province of Canada the privilege of understanding all matters which were brought before them in their own language. The hon. member concluded amidst much good humored applause.<sup>15</sup>

Mr. Thorburn rose to express the pleasure he felt at hearing the noble and manly sentiments which had fallen from the hon. member from Kamouraska, (Mr. Berthelot.) He hoped the hon. member would not suppose for a moment that there was a desire on the part of that house to withhold the privilege he claims.<sup>16</sup>

The motion was carried for the appointment of Mr. Henry Boyer (sic) as French translator, and Mr. Alexander LeMoin (sic) was appointed assistant.<sup>17</sup>

and after some time spent therein,

Mr. Speaker resumed the Chair,

Resolutions reported.

And Mr. Williams reported, that the Committee had come to several Resolutions, which he was directed to submit to the House whenever it shall be pleased to receive the same; and, also, that he was directed by the committee to move for leave to sit again.

Progress.

Ordered — That the report be received to-morrow.

Report to be received to-morrow.

Ordered — That the said Committee have leave to sit again on Monday next.

Committee to sit again on Monday.

Order for Committee of whole on inspection Laws postponed.

The order of the day for the House in Committee to take into consideration the expediency of allowing the exportation from this Province of flour and meal, pot and pearl ashes, and beef and pork, without inspection, and of amending and consolidating the laws now in force in this Province, in relation to the inspection of the said commodities, and other references, being read.

Ordered — That the said order of the day be postponed until Monday, the 26th instant.

Bill naturalize J. A. Tailhades read 2nd time.

A Bill to secure to, and confer upon, Jacques, Alexandre Tailhades, an inhabitant of this Province, the civil and political rights of a natural born British subject, was, according to order, read a second time.

Bill for recovery of small debts read 2nd. time.

A Bill to repeal the laws now in force in that part of this Province formerly called *Upper Canada*, for the recovery of small debts, and to make other provisions therefor, was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Tuesday* next.

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Bill to amend Act for payment of claims read 2nd. time.

A Bill to amend and enlarge an Act of the Legislature of the late Province of *Upper Canada*, entitled "*An Act to ascertain and provide for the payment of all just claims arising from the late Rebellion and Invasions of this Province*," was, according to order, read a second time.

*Ordered* — That the said Bill be now referred to a Committee of the whole House.

House in Committee on above Bill.

The House accordingly resolved itself into the said Committee.

Mr. *Watts* took the chair of the Committee, and after some time spent therein,

Progress.

Mr. Speaker resumed the chair,

And Mr. *Watts* reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Leave granted to sit again.

*Ordered* — That the said Committee have leave to sit again on *Wednesday* next.

Boards of Works Bill read 2nd. time.

A Bill to repeal certain Ordinances therein mentioned, and to establish a Board of Works in this Province, was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Tuesday* next.

House in Committee on subject of warehousing goods.

The order of the day, for the House in Committee, to consider the expediency of introducing measures for the warehousing and bonding of goods in the several free warehousing Ports of this Province, being read,

The House accordingly resolved itself into the said Committee.

Mr. *D. McDonald* took the chair of the Committee, and after some time spent therein,

Resolutions reported.

Mr. Speaker resumed the chair,

And Mr. *D. McDonald* reported, that the Committee had come to several Resolutions, which Resolutions were again read at the Clerk's table as followeth : —

1st. Resolution.

*Resolved* — That the benefits intended to be conveyed to this Province by the provisions contained in an Act passed in the Imperial Parliament in the 3d and 4th years of His late Majesty's Reign (WILLIAM IV. Cap. 59) intituled "*An Act to regulate the trade of the British Possessions abroad*," are not at present fully enjoyed by the Trade of this Province.

2nd. Resolution.

*Resolved* — That it is expedient that measures should be taken to extend to this Province the provisions of an Act passed by the Imperial Parliament in the 3d and 4th year of His late Majesty's Reign (WILLIAM IV. Cap. 59) relating to the warehousing of goods in the several free warehousing Ports of this Province named therein.

Motion for question of concurrence to be put.

Mr. *Dunsmomb*, moved, seconded by the Honourable Mr. *Moffatt*, That the question of concurrence be now separately put upon the said Resolutions.

Motion to defer consideration thereof. Lost.

Mr. *Johnston* moved, seconded by Mr. *Parent*,

That the consideration of the said motion be postponed until to-morrow.

The question having been put upon this motion, a division ensued, and it passed in the negative.

The question being then put upon the main motion, it was agreed to,

Resolutions concurred in.

And the said Resolutions being again severally read, and the question of concurrence being separately put thereon, they were agreed to by the House.

Bill to be drafted thereon.

*Ordered* — That Mr. *Dunsmomb* have leave to bring in a Bill to extend the benefit of the warehousing system, established by a certain Act of the Imperial Parliament, passed in the Session held in the 3d and 4th years of His late Majesty's Reign, to the duties imposed by Provincial Acts.

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Bill respecting warehousing system reported and read first time.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

*Ordered* — That the said Bill be read a second time on to-morrow week.

J. Givins, Esq. appointed Commissioner on Huron contested election, in place of G. Boomer.

On motion of Mr. *Sherwood*, seconded by Mr. *Henry Smith*,

*Ordered* — That *James Givins*, of the Town of *London*, Esquire, be appointed a Commissioner for taking evidence on the trial of the controverted election for the County of *Huron*, in the place of *George Boomer*, who has declined acting as a Commissioner for that purpose.

Orders of the day postponed.

The Order of the day for the House in Committee, on the Bill for incorporating the *Canada Fire Assurance Company*, being read,

*Ordered* — That the said Order of the day be postponed until to-morrow.

The Order of the day for the House in Committee, to take into consideration the expediency of granting a sum of money to purchase the private shares in the *Welland Canal*, being read,

*Ordered* — That the said Order of the day be postponed until to-morrow.

The Order of the day for the second reading of the Bill the better to provide for the freedom of elections throughout this Province, and for other purposes therein mentioned, being read,

*Ordered* — That the said Order of the day be postponed until to-morrow.

The Order of the day for the House in Committee to take into consideration the Petition of *William Walker*, and other Inhabitants of the City of *Quebec*, relating to the Timber Trade, being read,

*Ordered* — That the said Order of the day be postponed until to-morrow.

Then on motion of Mr. *Johnston*, seconded by the Honourable Mr. *Moffatt*,

The House adjourned.

Footnotes — 15 July 1841.

1. The discussion arising from the material considered in committee of the whole was reported in: *KINGSTON CHRONICLE*, 21 July 1841; *LE CANADIEN*, 30 July 1841, a translation of the report found in *KINGSTON CHRONICLE*, 21 July 1841; *BRITISH COLONIST*, 21 July 1841, gives a commentary on the debate which "occupied the house till a late hour...."; *EXAMINER*, 21 July 1841, giving just a commentary; *WESTERN HERALD*, 4 August 1841, giving just a commentary; *MONTREAL GAZETTE*, 19 July 1841, which reported that "The House were (sic) in session till near midnight, though engaged in no matter that could prove of very great interest beyond its own walls. The... many prolonged discussions... were properly designated by Mr. Neilson as disputes about candle-ends and cheese parings."

2. *KINGSTON CHRONICLE*, 21 July 1841.  
 3. *IBID.*  
 4. *IBID.*  
 5. *IBID.*  
 6. *IBID.*  
 7. *IBID.*  
 8. *IBID.*  
 9. *IBID.*  
 10. *IBID.*  
 11. *IBID.*  
 12. *IBID.*  
 13. *IBID.*  
 14. *IBID.*  
 15. *IBID.*  
 16. *IBID.*  
 17. *IBID.*



## Friday, 16 July 1841.

- (193)
- Petitions brought up. The following Petitions were severally brought up and laid on the table : —
- P. A. de Gaspé. By Mr. *Christie*, the Petition of *Philip Aubert de Gaspé*, late Sheriff of the District of *Québec*.
- J. C. Hendershot and others. By Mr. *Prince*, the Petition of *John C. Hendershot* and others, inhabitants of the townships of *Mersea* and *Gosfield*, and the Petition of *John Midcalf* of *Kingston*.
- J. Midcalf.
- On motion of Mr. *Merritt*, seconded by Mr. *Johnston*,
- Com. on Pet of T. Parker and others have leave to adjourn. *Ordered* — That the select Committee appointed to try and determine the merits of the Petition of *T. Parker* and others, of the county of *Hastings*, in the district of *Victoria*, complaining of the undue Election and Return of *Robert Baldwin*, Esquire, as a member to represent the county of *Hastings* in the Present Parliament, have leave to adjourn until *Thursday* next, at 9 o'clock, a. m.
- (194)
- Petitions read. Pursuant to the Order of the day, following Petitions were read :
- Divers inhabitants of Douro. Of divers inhabitants of the township of *Doura*, praying for a grant of £70, to repair a road in their townships.
- Of H. Keating. Of *Horace Keating* and others, praying for a grant of £500 to improve the water communication from that part of the *Holland River* called *Lower Landing*, to *Gwillimsbury East*.
- Of M. Healey and others. Of *Michael Healey* and others, of the township of *Adjala*, praying for a grant of money to construct a road leading to their township.
- Bishop of Montreal and others. Of the Right Reverend the Bishop of *Montreal*, and others, of *Quebec*, praying for the establishment of schools, and for the general use of the Bible in the said schools.
- Petition of H. Jessop referred. *Resolved* — That the petition of *Henry Jessop*, of the City of *Toronto*, presented to the House on the 15th instant, be referred to a Committee of five members to examine the contents thereof and to report thereon with all convenient speed, by Bill or otherwise ; with power to send for persons papers and records.
- Ordered* — That Mr. *Prince*, Mr. Attorney General *Draper*, Mr. *Sherwood*, Mr. *Baldwin*, and *Sir Allan McNab*, do compose the said Committee.
- Petition of the Corporation of Montreal referred. *Resolved* — That the Petition of the Corporation of the City of *Montreal*, praying to be authorized to pay a greater rate of interest than 6 per cent to obtain loans of money, be referred to a committee of three members, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise ; with power to send for persons, papers and records.
- Ordered* — That Mr. *Dunscumb*, the Honorable Mr. *Viger*, and Mr. *Holmes*, do compose the said committee.
- Committee on petition of Reverend W. Ryerson and others report Bill. Mr. *Boswell*, from the select committee to which was referred the Petition of the Reverend *William Ryerson*, and others, composing the Board of *Upper Canada Academy*, with power to report by Bill or otherwise — presented to the House a Bill to incorporate the *Upper*

Victoria College Bill  
read first time.

Canada Academy, under the name and style of "Victoria College," which was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Wednesday* next.

On motion of Mr. *Prince*, seconded by Mr. *Sherwood*,

Appointment of J.  
Givins as Commis-  
sioner on Huron  
contested election  
rescinded, and W.  
Fitzgerald substituted.

*Ordered* — That the order made yesterday for the appointment of *James Givins*, Esquire, to act as Commissioner for taking evidence in the Controverted Election for the County of *Huron*, be rescinded, and that *William Fitzgerald*, of the City of *Toronto*, Esquire, be appointed such Commissioner, in the stead of the said *James Givins*.

House to adjourn  
till Monday.

*Ordered* — That when this House doth adjourn, it will adjourn until *Monday* next.

Motion to discharge  
petition of divers  
freeholders of  
*Bonaventure*.

Mr. *Prince* moved, seconded by Mr. *Thorburn*,

That the Petitions of divers freeholders and inhabitants of the County of *Bonaventure*, complaining of the undue election and return of *John R. Hamilton*, Esquire, as a member of this House, be discharged.<sup>1</sup>

This was supported during a short discussion by several members.<sup>2</sup>

Mr. *Aylwin*... was desirous, he observed, of showing the liberality of his views to all parties.<sup>3</sup>

Mr. *Johnston* also made some remarks....<sup>4</sup>

Mr. *Turcotte*... attempted to prove that there was no necessity for petitioners to enter into *recognizances* until the petition was acted upon.<sup>5</sup>

Mr. Attorney General *Ogden* hoped, that the hon. member would be more fortunate in his argument in the debate that was about to ensue, — and confuted his opinion, by reading the law upon the case, which distinctly specifies that at an *early* stage of every petition, against the return of a member, two sureties of £50 c'y shall be given, and security provided for all costs that may occur, arising out of such petitions being vexatious.<sup>6</sup>

Messrs. *Sherwood* and *Henry Smith*... ((made a few observations))....<sup>7</sup>

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth : —

#### YEAS.

<i>Aylwin</i> ,	<i>Buchanan</i> ,	<i>Day</i> , Hon. C.D.	<i>Dunn</i> , Hon. J.H.
<i>Black</i> ,	<i>Chesley</i> ,	<i>Delisle</i> ,	<i>Dunscomb</i> ,
<i>Boswell</i> ,	<i>Child</i> ,	<i>Draper</i> , Hon. W.H.	<i>Duggan</i> ,

#### (195)

<i>Foster</i> ,	<i>Killaly</i> , Hon. H.H.	<i>Parke</i> ,	<i>Steele</i> ,
<i>Gilchrist</i> ,	<i>McDonald</i> , (Pres.)	<i>Powell</i> ,	<i>Thorburn</i> ,
<i>Harrison</i> , Hon. S.B.	<i>McDonald</i> , (Glen.)	<i>Prince</i> ,	<i>Woods</i> ,
<i>Hale</i> ,	<i>Moffatt</i> , Hon. G.	<i>Robertson</i> ,	<i>Watts</i> ,
<i>Holmes</i> ,	<i>Moore</i> ,	<i>Simspon</i> ,	<i>Williams</i> ,
<i>Johnston</i> ,	<i>Ogden</i> , Hon. C.R.	<i>Smith</i> , (Fron.)	<i>Yule</i> . — 36.

#### NOES.

<i>Armstrong</i> ,	<i>Christie</i> ,	<i>Morin</i> ,	<i>Ruel</i> ,
<i>Baldwin</i> ,	<i>Cook</i> ,	<i>Neilson</i> ,	<i>Small</i> ,
<i>Barthe</i> ,	<i>Desrivieres</i> ,	<i>Noel</i> ,	<i>Smith</i> , (Went.)
<i>Berthelot</i> ,	<i>Durand</i> ,	<i>Parent</i> ,	<i>Sherwood</i> ,
<i>Boutillier</i> ,	<i>Hincks</i> ,	<i>Price</i> ,	<i>Thompson</i> ,
<i>Burnet</i> ,	<i>McNab</i> , Sir A.N.	<i>Quesnel</i> ,	<i>Turcotte</i> ,
<i>Cameron</i> ,	<i>McLean</i> ,	<i>Raymond</i> ,	<i>Viger</i> , Hon. D.B.

(28).

Carried.

So it was carried in the affirmative, and

*Ordered*, accordingly.

On motion of Mr. *Delisle*, seconded by Mr. *Morin*,

House to go into  
Committee of whole  
on amending  
Ordinance respecting  
Taverns.

*Resolved* — That this House will, on *Tuesday* next, resolve itself into a committee of the whole House, to consider the expediency of amending in part an Ordinance of the Special Council of the late Province of *Lower Canada*, 4th Vict., Cap. 42, intituled "*An Ordinance to repeal in part, and to render permanent, as amended, a certain Ordinance therein mentioned relative to Taverns and Tavern Keepers, and to make further provision relative to the same subject.*"

House to go into  
Committee, on  
*Monday*, on amend-  
ing Road Act  
of U. C.

On motion of Mr. *Johnston*, seconded by Mr. *Duggan*,  
*Resolved* — That this House will, on *Monday* next, resolve itself into a Committee of the whole House, to consider the expediency of amending the Road Act of the 50th Geo. 3, Cap. 1, of the late Province of *Upper Canada*.

Order for House in  
Committee on Canada  
Fire Assurance  
Company Bill  
postponed.

On motion of Mr. *Black*, seconded by Mr. *J. S. McDonald*,  
*Ordered* — That the Order of the day for the House in Committee on the Bill for incorporating the *Canada* Fire Assurance Company, be postponed until *Friday* next.

Order for 2nd.  
reading election Bill  
postponed.

On motion of Mr. *Baldwin*, seconded by Mr. *Durand*,  
*Ordered* — That the Order of the day for the second reading of the Bill the better to provide for the freedom of elections throughout this Province, and for other purposes therein mentioned, be postponed until *Monday* next, and that it be then the first order of the day.

Order for 2nd.  
reading undue  
elections Bill read.

The Order of the day for the second reading of the Bill for preventing any failure of justice in respect of complaints of undue election or returns of members of the Legislative Assembly of this Province at the last General Election, being read,

Motion to discharge  
the same.

Captain *Steele* moved, seconded by Mr. *Williams*,  
That the Order of the day be discharged, and that the said Bill be read a second time this day three months.<sup>8</sup>

En fesant (sic) cette motion le **Capt. Steele** observa que si la chambre la supportait il proposerait que la chambre se mit en comité général pour examiner certains actes d'inconduite tels que spécifiés dans certaines pétitions. Lui (Capt. Steele) depuis le premier instant qu'il avait entendu les plaintes de ces pétitions, avait fait une scrupuleuse enquête parmi ses hbles. et savants amis pour savoir s'il y avait quelque moyen légal d'obtenir le redressement contre l'intervention du gouvernement de sa majesté. Lui (Capt. Steele) voulait sincèrement que tous (sic) les avantages fussent étendus aux pétitionnaires, pour obtenir une investigation; mais quant à ce bill, il ne serait pas justice commune aux membres siégeants et à ceux qui pouvaient siéger dans la suite dans cette chambre, sous les mêmes charges, de donner leur vote en sa faveur. Il accorderait au savant chevalier toute faveur à la pureté de ses intentions; il croyait qu'il n'avait d'autre objet en vue que d'obtenir justice en faveur des pétitionnaires. Cependant il ne pourrait voter pour une mesure rétroactive telle que celle proposée. (Ecoutez, écoutez (sic)) et il était forcé de s'y opposer d'après des circonstances particulières. Lui (Capt. Steele) était là pour remplir un devoir sacré, et en faisant la motion qu'il avait faite, il agissait sous la conviction des fatales conséquences de la passation d'une loi ex post facto. Il n'accéderait pas aux demandes de ceux qui se plaignaient par pétitions devant cette chambre, en tant que ce serait adopter une mesure qui pourrait causer de l'injustice ci-après, en passant un bill rétroactif dans ses effets, dangereux (sic) dans ses conséquences et qui pourrait ci-après être pris comme précédent. C'était sur cela qu'il appelait l'honble. chambre à adopter la motion qu'il avait faite, et alors de continuer sur une autre qu'il se proposerait de présenter pour autoriser une stricte investigation sur les plaintes mentionnées dans les pétitions, (Ecoutez, écoutez) afin que l'honneur de la chambre et du gouvernement demeurât intact. (Ecoutez, écoutez).<sup>9</sup>

L'Hon. S.B. Harrison dit qu'il croyait de son devoir, même à cet état avancé des débats, de statuer qu'il supporterait très certainement la motion, et qu'il le ferait sur ce principe, qu'il ne consentirait pas sous ces circonstances à l'adoption d'une loi ex post facto; elle serait une injustice; tout ce qu'on pourrait dire en sa faveur. était qu'il pouvait y avoir des circonstances qui la justifieraient de quelque sorte, mais non les présentes. Il a été dit que c'était pour remédier à une difficulté technique de manière que justice fût faite aux pétitionnaires (sic). C'était un argument qui aurait un grand poids pour lui s'il supposait qu'il fût strictement vrai. Le bill était nullement nécessaire, en tant qu'il avait été établi par un vote



de cette chambre, déclarant que la loi des élections était en force, et en tant que le moyen d'obéir à cette loi était déjà au pouvoir des pétitionnaires, s'ils aimaient à s'en servir ; ce serait aussi un mauvais procédé de leur permettre de détruire cette loi, et de demander d'eux (sic) passer une nouvelle. Comme ils avaient refusé de remplir les provisions de la loi qui est déjà en existence, il ne leur serait pas permis de venir dans cette chambre, demander d'être placés dans la situation dont les avait privé leur propre *lâcheté*. Il accorderait que justice serait faite aux pétitionnaires, mais ils seraient obligés de suivre la voie que la loi indique, et quoi qu'ils ne se soient point soumis à ses réquisitions, il leur permettrait une perquisition très entière sur les chefs de leur (sic) plaintes, dans le but que justice leur soit rendue ; mais avant de parler de justice, ils devaient considérer quelle est la justice due aux deux partis. La justice passe souvent de main en main. Quand (sic) aux allégués qu'on a dit exister, il les assurait qu'il réclamait, il exigeait une investigation. (Ecoutez, écoutez) Si une enquête eut eu une pleine étendue, on aurait trouvé qu'ils étaient totalement destitués de fondement (sic) ; (Ecoutez, écoutez). Quant au dangereux effet d'une loi *ex post facto*, sur laquelle il a exprimé ses vœux, il pensait qu'aucun précédent ne justifierait pleinement un exemple d'un procédé inconstitutionnel. Par l'opération d'une telle loi dans ce cas-ci six messieurs ayant, siège (sic) dans cette chambre devraient être probablement privés de leurs sièges (sic) ; c'était clairement montrer que l'intention était de les en priver. (Ecoutez, écoutez) Ce précédent s'il était mis dans le livre des statuts, devrait être ôté et refait jusqu'à ce que la plus innocente action pût être déclarée coupable. Il n'y consentirait jamais, bien qu'elle pût paraître spécieuse, et que la proposition eût été spécieusement proposée par l'hon. membre.<sup>10</sup>

**Sir Allan MacNab.** D'après la description que l'honorable membre a donné du bill, on pourrait supposer que c'est une terrible affaire. Peut-être que l'honorable Monsieur parle sincèrement sur ce sujet (écoutez, écoutez) Il peut penser que la prochaine enquête sera sur les élections du Haut-Canada : je désire qu'elle vienne à son tour. Nous ne serons jamais effrayés d'une information ; elle ne fera aucun tort à la contrée. Le peuple du Bas-Canada était assez simple pour croire que la loi n'existait plus et considérait qu'il y avait une session parce qu'il y avait une assemblée de la Législature. Je n'en suis pas beaucoup surpris, parce que je vois que le Gouverneur, dans son discours, l'appelle une session. Il n'était pas si sage, ce semble, que, que cette chambre. Je vois aussi que la dépêche de Lord Gosford fait allusion à la session de 1837 : Elle paraît (sic) aussi par les journaux avoir été appelée une session du parlement. Prenant toutes ces choses en considération et voyant de plus que quelques honorables membres, dans cette chambre, tels que les honorables Messieurs pour Hastings et Portneuf, déclarent que la loi n'était pas en force, je pense qu'il ne peut guère paraître étrange que j'aie introduit le bill, ou qu'il y ait quelque chose de bien mal en l'introduisant. Je vois que l'honorable Mr. (Mr. Harrison) était régulièrement chargé.

(Ecoutez, écoutez) J'espère que l'amendement que je vais proposer, prévaudra, et que les honorables Messieurs trouveront qu'ils ne peuvent plus agiter la question ou la mettre de côté, à présent il y a une règle de cette chambre, qui dit que tout membre qui sera présent quand une question est présentée, donnera son vote à moins que la chambre l'en excuse. Hatsell dans son ouvrage sûr (sic) la loi parlementaire, établit que lorsque les intérêts privés d'un membre sont concernés, il peut être excusé de voter — maintenant je conçois humblement que les honorables Messieurs dont les sièges sont contestés, seront exemptés de voter sur cette question ; il est nécessaire pour l'honneur de cette chambre que cette règle soit strictement observée. Je présenterai donc un amendement que tout ce qui se trouve après le mot "présenté" soit rayé et qu'on y substitue les suivants : "que les membres retournés pour les comtés suivants soient excusés de voter sur toutes les questions qui ont rapport à la matière présentement sous considération, savoir, Vaudeuil, (sic) Terrebonne, Beauharnais, (sic) Montréal et Shefford."<sup>11</sup>

**Mr. Johnston** — avant que l'on dispose de la question j'offrirai quelques remarques. Le savant et courtois chevalier a dit que l'honorable membre pour la ville de Kingston a parlé avec sentiment. Je crois qu'il a parlé aussi sincèrement. Ce cas a deux cotés (sic), et je crois qu'en excusant ces personnes de voter, les élections ne peuvent pas être traitées véritablement. Il y a là une incompatibilité — la motion se coupe le col (sic) (on rit). Je suis fâché que le courtois chevalier ait fait un tel faux pas (on rit beaucoup).<sup>12</sup>

**Sir A. MacNab** — vous auriez mieux fait de lire encore la motion.<sup>13</sup>

((**Mr. Johnston** :)) La résolution peut tomber à terre ; à tout événement elle exigera quelque explication.<sup>14</sup>

**Le procureur Gén. Ogden** dit qu'il espérait que l'hon. Monsieur retirerait l'amendement. Est-ce à dire qu'à chaque ((moment)) qu'il sera introduit un bill pour permettre que ces Messieurs contestent leur siège (sic), à chaque fois il (sic) seront excusés de voter. Je crois que l'hon. Monsieur pour Portneuf voudra voter pour quelque motion.<sup>15</sup>

**Mr. Aylwin** — pour quelque bonne.<sup>16</sup>

((**Mr. Ogden** :)) Réellement je désire que l'hon. Monsieur ne joue pas avec le précieux temps de la chambre. Il a déjà été décidé que les pétitions qui n'étaient pas accompagnées de caution, ne devaient pas être reçues, et je trouve vraiment extraordinaire d'un côté que vous admettiez que les pétitionnaires n'ont aucun droit légal d'être entendus : de l'autre vous déclarez que les élections seront contestées, et que les membres retournés ne voteront pas sur la question liée à cette affaire.<sup>17</sup>

**Sir Allan MacNab** — dit que si le savant Proc. Général voulait engager l'hon. Monsieur qui a présenté la motion originale à la retirer et accorder à la chambre d'aller franchement au mérite de la question, lui (Sir Allan) retirerait aussi son amendement ; mais il lui paraissait bien évident que l'intention était de mettre de côté toute cette affaire et par là à la fois assurer à ces Messieurs les sièges (sic) qu'ils occupaient.<sup>18</sup>

**Le procureur Général Ogden** répliqua qu'il n'avait aucune influence sur quelque non-membre que ce fût pour le guider dans la marche qu'il devait suivre (Ecoutez, écoutez) Si l'hon. Monsieur suppose qu'il (Mr. Ogden) désire éviter la question, il se trompe. Il (Mr. Ogden) est venu préparé pour débattre entièrement la question. Il n'y a rien pour empêcher la discussion et la chambre voudra alors se croire capable d'en décider.<sup>19</sup>

**Mr. Aylwin** — Je ne puis suffisamment admirer les opinions émises par l'hble. monsieur sur l'article de l'argent. Si elles étaient (sic) sincères, il n'y a aucun doute qu'elles devaient être discutées à la barre de cette chambre. Mais je suis convaincu qu'elles ne sont pas sincères, et je dirai ma raison pour penser ainsi. Deux occasions ont été apportées (sic) à ces hbles. messieurs pour entrer dans l'investigation de ce sujet et dans les deux occasions ils ont été les premiers à s'y opposer. Ils nous ont dit que quoique la loi fut (sic) en force, et quoique nous eussions commis une bétise marquante ou supposant qu'elle ne l'était pas, cependant la mesure, si on l'introduisait, trouverait de l'appui, maintenant qu'elle est introduite, elle rencontre une opposition (sic) décidée. Si le bill est rejeté quel sera le résultat. Je suis convaincu que nous rencontrerons encore de la résistance de la part de ces messieurs quand quelque proposition sera faite pour l'investigation de quelques plaintes. L'équité du savant Proc. Général semble avoir été un peu troublée. Il voit la motion de l'hble et savant monsieur pour Hamilton comme quelque chose d'extraordinaire, (sic) Quel est le but de cette motion ; le voici : — six membres de cette hble. chambre ont un intérêt direct dans la question sur laquelle cette chambre est appelée à décider et ils seraient excusés de voter.

Si la motion de l'hble. monsieur pour Simcoé (sic) prévalait, ces six messieurs garderaient leur siège. Si au contraire elle ne prévalait pas et que le bill qui est maintenant introduit passât, alors ces messieurs seraient sujets à l'inconvénient et à la dépense de contester leurs élections. La proposition se réduit à celle-ci, qu'un homme ne peut siéger et décider dans sa propre affaire, (écoutez, écoutez). La motion est une de celles qui je crois seraient à peine nécessaires dans aucune autre place que celle-ci. Ici nous avons vu des hbles. messieurs voter sur des questions où ils étaient directement intéressés (sic). Mais le savant Proc. Général dit que c'est une chose extraordinaire que ces messieurs soient exclus de voter. N'ont-ils pas voté sur toute mesure où ils étaient qualifiés de le faire ? mais en votant sur les questions qui regardent leurs sièges ne violeraient-ils (sic) pas je le demande, tout principe d'honnêteté et de décence ? (écoutez, écoutez), doit-on permettre qu'un homme décide contre son voisin et lui-même ? en un mot, qui peut être impartial sur une question où il est lui-même concerné ? s'il se trouve un tel homme je dis qu'il est quelque chose de plus que l'homme il est un ange. (écoutez, écoutez).

La proposition de l'hble. monsieur est basée sur la justice et telle que personne dont le caractère est basé sur la justice, ne peut objecter contre. Je suis surpris quand j'entends une telle proposition d'un monsieur qui occupe le banc de la trésorerie. Je dois certainement penser qu'il y a une influence qui opère en lui, (écoutez, écoutez). La question est une de celles qui semblent intéresser (sic) fortement ces hbles. messieurs, car au commencement le savant monsieur a senti qu'il était de son devoir de prendre une part éminente dans la discussion. A présent j'aimerais à savoir pourquoi il ressent un si profond intérêt — <sup>20</sup>

**Mr. Harrison**, pour l'honneur de la chambre.<sup>21</sup>



((Mr. Aylwin :)) Je suis très content de trouver que l'hble. monsieur prenne l'honneur de la chambre sous sa protection spéciale, (écoutez, écoutez). Et quoique je veuille admettre que cette protection est très puissante, cependant je prendrai la liberté de la prendre aussi sous ma protection. (Ecoutez, écoutez, écoutez). L'hble. monsieur dit qu'il aura un effet rétrograde, que c'est une loi *ex post facto*. Le monde s'est agité sur des questions, en respectant les mots les hommes se sont sentis la liberté de se couper la gorge les uns les autres sur des distinctions verbales; mais pour ma part, je reconnaitrai librement que je ne suis pas effrayé de ces quelques mots latins. Je serais extrêmement fâché cependant, ((soit)) avec, soit sans ces mots, de passer une loi qui ferait souffrir mes voisins.

Ce que je combats, c'est que nous ne nous laissions pas attraper par les mots — que nous regardions à la substance. Je vous dirai mon attente sur la loi *ex post facto*. C'est une loi infligeant des peines et des pénalités qui n'ont pas encore existé. Ceci est un bill pour prévenir le manque de justice — comment elle opérerait ? par la simple inobservation de certaines formes. A présent, ces hbles. messieurs qui désirent traiter ceci comme une loi *ex post facto*, ont oublié les circonstances qui ont eu lieu dans cette chambre il y a quelques semaines. Un monsieur se présenta à la barre de cette chambre avec une pétition contre le membre de Niagara. La pétition fut trouvée vicieuse, et le pétitionnaire désira avoir du temps pour corriger l'erreur. Une large majorité décida qu'elle y consentait. Qu'est-ce qu'on demande à présent ? Une permission de même nature. Le savant chevalier vient devant cette chambre et demande la correction d'une erreur et d'une imperfection dans le mode d'étendre la justice à un large corps de pétitionnaires. Et est-ce quelque chose d'extraordinaire ? Non, n'est-ce pas une chose qui arrive tous les jours dans une cour de justice.

L'hble. monsieur dit que la seule chose requise ici est pour suppléer à une erreur. Y a-t-il dans le monde un code de lois calculés (sic) pour rencontrer chaque exigence, chaque cas possible ? et comment cette difficulté est-elle surmontée ? en passant une loi qui y remédie. Mais je demanderais à l'hble. monsieur, supposons qu'un tel bill passât qui en serait blessé ? S'il en était ainsi, je serais le premier à m'opposer. — 150 mille personnes viennent et nous disent qu'il y a six membres siégeant dans cette chambre, qui les représentent mal ; peut-on dire combien sont bien fondées leur (sic) plaintes, les portes leur sont fermées ! Si ces messieurs croient que leur sièges (sic) sont bien acquis, ils acquiesceront en accordant cette mesure, à ce qu'une investigation ait lieu. Une loi *ex post facto*, ainsi appelée, opère une injustice ; où est l'injustice dans ce cas ? Si l'hble. membre pour la ville de Kingston veut me montrer quelque injustice, je changerai mes vues ; mais jusqu'à ce qu'il l'ait fait, je tiendrai à croire que ce n'est pas une loi *ex post facto*. J'étais un peu surpris d'entendre l'hble. membre, dire que c'était clairement du pouvoir de la chambre de décider sur cette matière sans l'introduction de quelque nouvelle mesure. A présent ce mot me convinc (sic) clairement que la matière n'est pas si claire. Seulement depuis quelques jours une discussion a eu lieu comme si la loi était en force, et il n'a pas paru alors que c'était la conviction de tous que la loi était clairement en force. L'hble. monsieur a présentement découvert, en conséquence du vote de cette chambre, que la loi est en force. Mais avec tout mon respect pour les majorités, je ne puis croire que les majorités sont toujours justes ; et l'hble. monsieur peut déjà découvrir que ce n'est pas si clair qu'il a semblé se l'imaginer. L'hble. monsieur dit que les pétitionnaires ont été coupables de lâcheté ; ont-ils été coupables de cette *crassa negligentia* et le (sic) *culpa latissima* qui serait peine d'une pénalité (sic), qu'on leur refuserait l'opportunité de les entendre ? Il est vrai, eux et cette chambre fut longtemps sous la conviction que la loi n'était pas en force ; tout ce qu'on peut dire, est que nous étions en erreur ; mais cette erreur est-elle coupable ? J'espère qu'une erreur honnête ne sera pas punie de la même manière qu'un crime, et que les pétitionnaires ne doivent pas être traités comme des criminels, parce qu'ils ont supposé que la loi n'était pas en force. Nous venons ici dire respectueusement, nous avons été dans l'erreur, tout ce que nous désirons c'est d'avoir l'occasion de rectifier cette erreur, et de nous placer dans les bornes de la loi. (Ecoutez, écoutez). Nous réclamons un acte de justice aussi important que la franchise électorale elle-même. Si je supposais que les pétitionnaires désirassent éviter toute responsabilité, loin de souffrir d'être un instrument dans leur (sic) mains, je rejetterais avec indignation leur application. Mon désir est que les plaintes soient aux membres siégeants, et s'il est trouvé qu'elles sont non fondées, ils soient réités (sic) par une amende pécuniaire, et regardés par tout le monde comme calomniateurs et vilains. Je ne voudrais pas emmener les hbles. membres par des spécieuses propositions, par une affectation de libéralité, qui est employée purement pour couvrir l'il libéralité (sic). (Ecoutez, écoutez). Le bill est calculé pour l'avancement de la justice, les hbles. membres n'ont seulement pas besoin de le lire pour se convaincre qu'il est fondé sur les principes éternels de la justice et de la vérité ; et quelque soit le vote de ce jour, j'en serai parfaitement satisfait que ceux qui votent en faveur de ce bill, n'aient jamais



raison de regretter ce vote, mais que ceux qui votent contre, je l'espère, soient visités de toute l'amertume d'une propre condamnation. (Ecoutez, écoutez).<sup>22</sup>

M. Durand dit qu'il croyait que s'il fut jamais une mesure introduite dans cette chambre, qui méritât leur ferme appui, c'était la présente. L'erreur où sont tombés les pétitionnaires, était très excusable, et il se sentait convaincu qu'il n'y avait aucun monsieur dans la chambre qui croyait tenir son siège honnêtement et honorablement qui désirât un moment les priver de l'avantage d'être entendus. En somme il serait utile au crédit des hbles messieurs d'accorder une pleine investigation. Il était certain qu'ils ne voulaient pas l'éviter ; il ne croyait pas que la majorité de cette chambre, consentit à refuser justice aux pétitionnaires et que le seul moyen de leur faire pleine et ample justice, et d'étendre le temps pour faire l'investigation, dans le but de se conformer aux provisions de la loi qui est supposée être en force.

Ceci est une proposition si raisonnable qu'il pouvait à peine supposer un hble. monsieur dans cette chambre qui voulût (sic) l'opposer et surtout après la déclaration qu'ils avaient ouïe de la part des hbles. messieurs du banc de la trésorerie, qu'ils étaient prêts et désireux d'entrer dans l'investigation.<sup>23</sup>

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The question having been put upon the said motion, a division ensued, and the names being called for, they were taken, as followeth : —

YEAS.

<i>Daly, Hon. D.</i>	<i>Delisle,</i>	<i>Foster,</i>	<i>Hale,</i>
<i>Day, Hon. C. D.</i>	<i>Derbshire,</i>	<i>Harrison, Hon. S.B.</i>	<i>Holmes,</i>

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<i>Johnston,</i>	<i>Moore,</i>	<i>Robertson,</i>	<i>Williams,</i>
<i>Killaly, Hon. H.H.</i>	<i>Ogden, Hon. C.R.</i>	<i>Steele,</i>	<i>Yule. — 19.</i>
<i>Moffatt, Hon. G.</i>	<i>Parke,</i>	<i>Watts,</i>	

NOES.

<i>Armstrong,</i>	<i>Child,</i>	<i>McLean,</i>	<i>Roblin,</i>
<i>Aylwin,</i>	<i>Christie,</i>	<i>Merritt,</i>	<i>Ruel,</i>
<i>Baldwin,</i>	<i>Cook,</i>	<i>Morin,</i>	<i>Smith, (Fron.)</i>
<i>Barthe,</i>	<i>Desrivieres,</i>	<i>Neilson,</i>	<i>Smith, (Went.)</i>
<i>Berthelot,</i>	<i>Duggan,</i>	<i>Noel,</i>	<i>Sherwood,</i>
<i>Boswell,</i>	<i>Durand,</i>	<i>Parent,</i>	<i>Strachan,</i>
<i>Boutillier,</i>	<i>Hincks,</i>	<i>Powell,</i>	<i>Thompson,</i>
<i>Buchanan,</i>	<i>MacNab, Sir A.N.</i>	<i>Price,</i>	<i>Thorburn,</i>
<i>Burnet,</i>	<i>McDonald, (Glen.)</i>	<i>Quesnel,</i>	<i>Turcotte,</i>
<i>Cartwright,</i>	<i>McDonald, (Pres.)</i>	<i>Raymond,</i>	<i>Viger, Hon. D.B.</i>
<i>Chesley,</i>			(41).

Lost.

Bill read 2nd. time.

Amendment proposed.

So it passed in the negative.

The said Bill was then, according to order, read a second time.

Sir Allan McNab moved, seconded by Mr. Aylwin — That the said Bill be amended as follows : —

After "whereas" in the Preamble, strike out the remainder of the words in the said Bill, and insert "certain Acts of the Provincial Parliament of the late province of Lower Canada to regulate the trial of contested elections in that province were, by an Act of the said Provincial Parliament passed in the 4th year of the reign of His late Majesty King William the Fourth, continued until the first day of May, 1836, and thence until the end of the then next Session of the Provincial Legislature, and no longer : And whereas after the said first day of May in the year aforesaid, the Provincial Parliament of the said Province was duly convened by Royal Proclamation on two several occasions at the City of Quebec in the Province, and on each of those occasions continued sitting for several days, and was on both occasions duly prorogued ; on the first by the Representative of the Sovereign in person, and on the second by Royal Proclamation : And whereas as well in common parlance as in the published Journals of both Houses of the said Provincial Parliament, in one of the speeches from the Throne delivered to such Parliament, in the addresses of

“both Houses in reply to such speech, and in the official correspondence  
 “of the Secretary of State for the Colonies in reference to the proceed-  
 “ings at such meetings, the said meetings were called and spoken of as  
 “Sessions of the said Provincial Legislature : And whereas in con-  
 “sequence of the said Act to regulate the trial of such contested elec-  
 “tions not having been further continued by any legislative enactment  
 “made at either of the said meetings, such acts had, in the common  
 “estimation of the public, been looked upon and esteemed as having  
 “expired, and as being no longer in force at the time of the passing of  
 “the Act of the Imperial Parliament for suspending the constitution of  
 “the said Province of *Lower Canada*, and that consequently the said  
 “Acts were not continued by the provisions of the Act of the Imperial  
 “Parliament for re-uniting the Provinces of *Lower* and *Upper Canada* :  
 “And whereas in consequence of their having been no Act of the  
 “Provincial Parliament passed, nor any judgment given at either of  
 “the said meetings, it has been deemed by the Legislative Assembly  
 “of this Province, that the said meetings were not either of them Ses-  
 “sions of the Provincial Legislature within the meaning of the Legisla-  
 “tive provision for continuing such Acts, and that consequently the  
 “same are in force at this day : And whereas during the present Session

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Amendment.

“divers Petitions have been presented to the Legislative Assembly of  
 “this Province alleging the occurrence of outrages of the most aggrava-  
 “ted and atrocious character at several of the late elections for places  
 “in that part of this Province heretofore composing the Province of  
 “*Lower Canada*, which outrages, if in truth committed, are not only  
 “most injurious to the peace of the country, but destructive of the  
 “character of the said Legislative Assembly as the representative of the  
 “people thereof : And whereas in consequence of the said generally  
 “received impression entertained in the Lower part of this Province  
 “that the said Acts had expired and were no longer in force, many of  
 “the Petitions representing such outrages, and complaining of undue  
 “Elections and Returns for such places have not been accompanied with  
 “all the formalities required by those Acts, nor have the Petitioners  
 “given that security for the prosecution of such Petitions which the  
 “provisions of the said Acts require : And whereas nothing is more  
 “important than that the fullest opportunity should at all times be  
 “afforded for the investigation of alleged infractions of the freedom of  
 “Elections, such freedom being essential to the very being of Parlia-  
 “ment : And whereas in these particular instances especially, apart from  
 “their general public importance arising out of the character of the  
 “outrages alleged to have been committed, it would be most unjust to  
 “visit upon the Petitioners the consequences of a misapprehension, into  
 “which it is but just to assume that they have been in a great measure  
 “led by the language of the different branches of the Legislature itself,  
 “as well as by that of the Imperial authorities themselves : — To  
 “prevent, therefore, as far as possible, the failure of justice in this  
 “behalf, and to afford those members of the Legislative Assembly  
 “whose Elections and Returns are contested in the said Petitions the  
 “opportunity justly due to them of vindicating, in the ordinary course  
 “of proceeding in the like cases, the legality of the means by which  
 “they have been returned to the seats which they hold in the said  
 “House : Be it enacted by the Queen's Most Excellent Majesty by and  
 “with the advice and consent of the Legislative Council and of the  
 “Legislative Assembly of the Province of *Canada*, constituted and  
 “assembled by virtue of and under the authority of an Act passed in  
 “the Parliament of the United Kingdom of *Great Britain* and *Ireland*,  
 “intituled ‘An Act to Re-unite the Provinces of *Upper* and *Lower*  
 “*Canada*, and for the Government of *Canada* ;’ and it is hereby enacted  
 “by the authority of the same, that all Petitions which have been  
 “presented to the Legislative Assembly of this Province, complaining  
 “of undue Elections and Returns, or either of them, for any of the

"Counties, Ridings, Cities, Towns, or Boroughs in that part of this Province heretofore composing the Province of *Lower Canada*, shall and may be proceeded with, tried and determined, as if all the forms required by the said Acts of the Provincial Parliament of the said Province of *Lower Canada* or any of them had been complied with, in respect of the same; Provided always that security for the prosecution of such Petitions respectively shall be first given within thirty days after the passing of this Act, or within such further time as the Legislative Assembly shall or may in their discretion from time to time think fit to allow."

Mr. Dunscomb  
excused from voting.

The question being put upon the motion of amendment, (Mr. Dunscomb, member for the county of *Beauharnois*, having expressed a wish not to vote on the question, he was excused by the House from so doing.)

A division then ensued, and the names being called for, they were taken down, as followeth:—

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YEAS.

<i>Armstrong,</i>	<i>Aylwin,</i>	<i>Baldwin,</i>	<i>Barthe,</i>
<i>Berthelot,</i>	<i>Durand,</i>	<i>Parent,</i>	<i>Smith, (Fron.)</i>
<i>Boutillier,</i>	<i>Hincks,</i>	<i>Powell,</i>	<i>Smith, (Went.)</i>
<i>Buchanan,</i>	<i>MacNab, Sir A.N.</i>	<i>Price,</i>	<i>Sherwood,</i>
<i>Burnet,</i>	<i>McDonald, (Pres.)</i>	<i>Quesnel,</i>	<i>Strachan,</i>
<i>Child,</i>	<i>Merritt,</i>	<i>Raymond,</i>	<i>Thompson,</i>
<i>Christie,</i>	<i>Morin,</i>	<i>Roblin,</i>	<i>Thorburn,</i>
<i>Cook,</i>	<i>Neilson,</i>	<i>Ruel,</i>	<i>Turcotte,</i>
<i>Desrivieres,</i>	<i>Noel,</i>	<i>Simpson,</i>	<i>Viger, Hon. D.B.</i>
<i>Duggan,</i>			(37.)

NOES.

<i>Black,</i>	<i>Delisle,</i>	<i>Johnston,</i>	<i>Parke,</i>
<i>Boswell,</i>	<i>Derbshire,</i>	<i>Killaly, Hon. H.H.</i>	<i>Robertson,</i>
<i>Cameron,</i>	<i>Foster,</i>	<i>McDonald, (Glen.)</i>	<i>Steele,</i>
<i>Cartwright,</i>	<i>Gilchrist,</i>	<i>McLean,</i>	<i>Watts,</i>
<i>Chesley,</i>	<i>Harrison, Hon. S.B.</i>	<i>Moffatt, Hon. G.</i>	<i>Williams,</i>
<i>Daly, Hon. D. Hale,</i>		<i>Moore,</i>	<i>Yule. — 27.</i>
<i>Day, Hon. C.D. Holmes,</i>		<i>Ogden, Hon. C.R.</i>	

Amendment carried.

So it was carried in the affirmative, and —  
*Ordered*, accordingly.

Motion for House to  
go into Committee  
on Bill.  
Motion for  
adjournment.

Sir *Allan M'Nab* moved, seconded by Mr. *Neilson* — That the said Bill, as amended, be now referred to a Committee of the whole House.

Mr. *Black* moved, seconded by Mr. *J. S. M'Donald* — That the House do adjourn.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth:—

YEAS.

<i>Black,</i>	<i>Derbshire,</i>	<i>Killaly, Hon. H.H.</i>	<i>Robertson,</i>
<i>Boswell,</i>	<i>Foster,</i>	<i>McDonald, (Glen.)</i>	<i>Simpson,</i>
<i>Cameron,</i>	<i>Gilchrist,</i>	<i>McLean,</i>	<i>Steele,</i>
<i>Cartwright,</i>	<i>Harrison, Hon. S.B.</i>	<i>Moffatt, Hon. G.</i>	<i>Thorburn,</i>
<i>Chesley,</i>	<i>Hale,</i>	<i>Moore,</i>	<i>Watts,</i>
<i>Daly, Hon. D. Holmes,</i>		<i>Ogden, Hon. C. R.</i>	<i>Williams,</i>
<i>Day, Hon. C.D. Johnston,</i>		<i>Parke,</i>	<i>Yule. — 29.</i>
<i>Delisle,</i>			

NOES.

<i>Armstrong,</i>	<i>Christie,</i>	<i>Morin,</i>	<i>Ruel,</i>
<i>Aylwin,</i>	<i>Cook,</i>	<i>Neilson,</i>	<i>Smith, (Fron.)</i>
<i>Baldwin,</i>	<i>Desrivieres,</i>	<i>Noel,</i>	<i>Smith, (Went.)</i>
<i>Barthe,</i>	<i>Duggan,</i>	<i>Parent,</i>	<i>Sherwood,</i>
<i>Berthelot,</i>	<i>Durand,</i>	<i>Powell,</i>	<i>Strachan,</i>



<i>Boutillier,</i>	<i>Hincks,</i>	<i>Price,</i>	<i>Thompson,</i>
<i>Buchanan,</i>	<i>McNab, Sir A. N.</i>	<i>Quesnel,</i>	<i>Turcotte,</i>
<i>Burnet,</i>	<i>McDonald, (Pres.)</i>	<i>Raymond,</i>	<i>Viger, Hon. D.B.</i>
<i>Child,</i>	<i>Merritt,</i>	<i>Roblin,</i>	<i>(35).</i>

Lost.

So it was passed in the negative.

The question having been then put upon the main motion, a division ensued, and it was carried in the affirmative;<sup>24</sup>

House in Committee on Bill.

And the House accordingly resolved itself into the said Committee.

Mr. *Price* took the chair of the committee, and after some time spent therein,

Mr. Speaker resumed the chair,

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Bill reported amended.

And Mr. *Price* reported, that the committee had gone through the Bill, and had made an amendment thereto, which amendment was again read at the Clerk's Table, and agreed to by the House.

Sir *Allan McNab* moved, seconded by Mr. *Neilson*,

And ordered to be engrossed.

That the said Bill, as amended, be engrossed.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative, and

*Ordered*, accordingly.

Leave of absence to Mr. *Black*.

*Ordered* — That Mr. *Black* have leave to absent himself from this House until the 31st instant.

Then, on motion of Mr. *Child*, seconded by Mr. *Roblin*,  
The House adjourned.

#### Appendix, 16 July 1841.

((Question re : Political Amnesty for Rebellion Exiles.))<sup>25</sup>

Col. *Prince* rose to put a question, of which he had given notice a few days previously, to the gentlemen occupying the Treasury benches, whether it was the intention of the Executive government to introduce any measure for the relief of certain individuals who had been banished from this country for political offences. The press of business before the house yesterday had prevented him, but he would now take the liberty of putting this question to the gentlemen forming His Excellency's administration.<sup>26</sup>

Attorney General *Draper* desired that the hon. gentleman would explicitly state who those certain individuals were; whether by the term certain individuals, he referred to those who had been banished by the sentence of a court of law, or those who had fled from the province. With respect to the latter class, the hon. and learned gentleman must be aware that an act of amnesty was passed in October 1838, which permitted the return of all those not specifically excepted as having had bills of attainder entered against them, and who were required to surrender themselves. He (Mr. *Draper*) could only say that there is a disposition on the part of His Excellency to allow all those against whom no specific charges had been proven, to return to their homes, (hear, hear.)<sup>27</sup>

He considered it, however, perfectly unnecessary to make any comments, to impress upon that House, the danger that must inevitably ensue to the peace of the country, were *some* characters permitted to return, whose conduct even *in banishment*, daily proves, that they only want the power and opportunity, again to perpetrate those deeds of crime and violence, which shook the social system of the colony to its very centre, at a period not very remote.<sup>28</sup>

Col. *Prince* said, his question was a very simple one, and required only a plain answer. Was it, or was it not, the intention of the Executive to show mercy to those who, the dupes of knaves and villains, by whom they had been betrayed, were now dragging out a miserable existence in that land, which had once dazzled their imagination with dreams of happiness and liberty — the United States — or who, still more unfortunate, were withering beneath the degradation of the felon's brand, in remorse and agony, in New South Wales? <sup>29</sup>

Mr. Draper assured the gallant Col. that where mercy *could* be extended with safety, it *would*; but to those who had expressly been excluded by proclamation, there was but little hope, of any dangerous and experimental lenity being shown to them.<sup>30</sup>

## Footnotes — 16 July 1841.

1. The discussion on this motion was reported in: BRITISH COLONIST, 21 July 1841; EXAMINER, 21 July 1841; WESTERN HERALD, 4 August 1841.
2. BRITISH COLONIST, 21 July 1841.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. The debate on this motion was reported in: BRITISH COLONIST, 21 July 1841; LE CANADIEN, 30 July 1841; commentaries were found in: ST. CATHARINES JOURNAL, 29 July 1841; LE CANADIEN, 19, 23 July 1841; MONTREAL GAZETTE, 19 July 1841; WESTERN HERALD, 4 August 1841, quoting MONTREAL GAZETTE, 19 July 1841.
9. LE CANADIEN, 30 July 1841.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. The EXAMINER, 21 July 1841, contains a commentary on the implications of this motion and the subsequent division.
25. The debate on this matter was reported in: BRITISH COLONIST, 21 July 1841; WESTERN HERALD, 4 August 1841; LE CANADIEN, 30 July 1841; LE CANADIEN, 19 July 1841, contains a commentary on the debate.
26. WESTERN HERALD, 4 August 1841.
27. IBID.
28. ST. CATHARINES JOURNAL, 29 July 1841.
29. IBID.
30. IBID.

**Monday, 19 July 1841.**

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Petitions brought up.

Hon. J. McGillivray  
and others.

P. A. Weilbreuner.  
Rev. E. Black and  
others.

C. Cheyne and others.  
J. Clarke and others.

J. Gillespie and  
others.

J. B. Phillips and  
others.

W. Light and  
others.

F. McKay and  
others.

C. C. Grece and  
others.

Failure of Justice at  
elections Bill read  
third time.

Motion for  
recommitment.

Lost.

House goes into  
committee on the Bill.

Bill reported  
amended.

The following Petitions were severally brought up and laid on the table : —

By Mr. *J. S. Macdonald* — The Petition of the Honorable *J. McGillivray*, and others, of the *Eastern District*.

By Mr. *Morin* — The Petition of *P. A. Weilbreuner*, of *Montreal*.

By Mr. *Holmes* — The Petition of the Reverend *Edward Black*, and others, of the City of *Montreal*.

By Mr. *Duggan* — The Petition of *Christopher Cheyne*, and others, of the Township of *Toronto* — the Petition of *James Clarke*, and others, inhabitants of the Township of *Caledon* — the Petition of *James Gillespy*, and others, inhabitants of *Caledon* — and the Petition of *J. B. Phillips*, and others, inhabitants of the Townships of *Toronto*, *Chinguacousey* and *Gore*, of *Toronto*.

By Mr. *Hincks* — The Petition of *William Light*, and others, inhabitants of the District of *Brock*.<sup>1</sup>

By Mr. *Derbshire* — The Petition of *F. McKay*, and other Justices of the Peace of the intended District of *Dalhousie* — and the Petition of *C. C. Grece*, and others, whose lands are intersected by the *Grenville Canal*.

An Engrossed Bill for preventing any failure of Justice, in respect of complaints of undue elections or returns of members of the Legislative Assembly of this Province at the last general election, was read for the third time.

Mr. *Hamilton* moved, seconded by Mr. *Buchanan*,

That the said Bill be recommitment to a committee of the whole House to-morrow.

The question having been put upon the said motion, a division ensued, and it passed in the negative.

On motion of Mr. *Buchanan*, seconded by Mr. *Noel*,

*Ordered* — That the said Bill be forthwith recommitment to a committee of the whole House.

The House accordingly resolved itself into the said committee.

Captain *Steele* took the chair of the committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Captain *Steele* reported, that the committee had gone through the Bill, and had made several amendments thereto, which amendments

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were again read at the Clerk's table, and agreed to by the House ; and are as followeth : —

After the word "Whereas," in the preamble, where it first occurs, strike out all the words in the preamble, and insert the following in lieu thereof : "Doubts have arisen as to whether certain Acts of the "late Province of *Lower Canada*, relating to the trial of controverted "elections in that part of this Province of *Canada*, hitherto called "*Lower Canada*, were in force at the commencement of the present "Session ; and whereas, in consequence of such doubts, the formalities "and requirements prescribed by the said Provincial Acts have not been "observed by certain electors, who have petitioned the Legislative



"Assembly against the return of certain members of the same; and  
 "whereas it is desirable to afford the said Petitioners an extension of  
 "time within which it may be in their power to complete the said  
 "formalities and requirements of the said Provincial Acts."

Press 3, Line 3 — After the words "Provided always," strike out the  
 remainder, and insert the following: "That all the said formalities and  
 "requirements of the said Provincial Acts be complied with within  
 "thirty days after the passing of this Act."

*Ordered* — That the said Bill, as amended, be engrossed.

The said engrossed Bill, as amended, was then again read.

Sir *Allan McNab* moved, seconded by Mr. *Buchanan*,

That the Bill do pass.

Mr. *Cameron* moved, seconded by Mr. Solicitor General *Day*,

That the Bill do not now pass, but that a Committee of Privileges  
 be appointed to investigate into the alleged violence and corruption  
 practised at certain Elections in *Lower Canada*, with respect to which  
 petitions have been presented to the House, with power to send for  
 persons, papers and records.

The question being put upon the said motion, a division ensued, and  
 the names being called for, they were taken down, as followeth: —

## YEAS.

<i>Cameron,</i>	<i>Foster,</i>	<i>Johnston,</i>	<i>Parke,</i>
<i>Chesley,</i>	<i>Harrison, Hon. S.B.</i>	<i>Killaly, Hon. H.H.</i>	<i>Robertson,</i>
<i>Daly, Hon. D.</i>	<i>Hale,</i>	<i>Macdonald, (Glen.)</i>	<i>Steele,</i>
<i>Day, Hon. C.D.</i>	<i>Hamilton,</i>	<i>Moore,</i>	<i>Williams,</i>
<i>Delisle,</i>	<i>Holmes,</i>	<i>Ogden, Hon. C. R.</i>	<i>Yule. — 21.</i>
<i>Derbshire,</i>			

## NOES.

<i>Armstrong,</i>	<i>Duggan,</i>	<i>Neilson,</i>	<i>Smith, (Front.)</i>
<i>Baldwin,</i>	<i>Durand,</i>	<i>Noel,</i>	<i>Smith, (Went.)</i>
<i>Berthelot,</i>	<i>Hincks,</i>	<i>Parent,</i>	<i>Sherwood,</i>
<i>Boutillier,</i>	<i>MacNab, Sir A.N.</i>	<i>Powell,</i>	<i>Thompson,</i>
<i>Buchanan,</i>	<i>McDonald, (Pres.)</i>	<i>Price,</i>	<i>Thorburn,</i>
<i>Burnet,</i>	<i>Merritt,</i>	<i>Quesnel,</i>	<i>Turcotte,</i>
<i>Child,</i>	<i>Moffatt, Hon. G.</i>	<i>Raymond,</i>	<i>Viger, Hon. D.B.</i>
<i>Christie,</i>	<i>Morin,</i>	<i>Ruel,</i>	<i>Woods. — 33.</i>
<i>Cook,</i>			

Lost.

So it passed in the Negative.<sup>2</sup>

After many hours ... in reiterating the *pros* and *cons* of former discussion, the third  
 reading (the preamble being amended by Mr. *Buchanan*'s introducing certain words into it,  
 holding the petitioners to the observance of all the formalities of the law) — was carried.<sup>3</sup>

Among the most prominent who spoke ... in opposition to the measure, were Mr. *Day*....<sup>4</sup>  
 Messrs. *Ogden, Harrison, Cameron, Johnston, Capt. Steele, &c*....<sup>5</sup>

For it — *MacNab, Buchanan, Neilson, Berthelot ... Viger, &c. &c*.<sup>6</sup>

Mr. *Moffatt* ... observed, the petitioners having failed to *comply* with the *law*, those seats  
 were held with as sound a title, as that by which his *own estates* were secured to him. The law,  
 affecting the petitioners, was founded in justice, and intended to embrace all petitioners; can,  
 therefore, that which has been *established* in justice be *subverted* with justice? —<sup>7</sup>

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The question being then put upon the main motion, a division also  
 ensued, and the names being called for, they were taken down as fol-  
 loweth: —

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## YEAS.

<i>Armstrong,</i>	<i>Cook,</i>	<i>Neilson,</i>	<i>Smith, (Front.)</i>
<i>Baldwin,</i>	<i>Duggan,</i>	<i>Noel,</i>	<i>Smith, (Went.)</i>

<i>Berthelot,</i>	<i>Durand,</i>	<i>Parent,</i>	<i>Sherwood,</i>
<i>Boutillier,</i>	<i>Hincks,</i>	<i>Powell,</i>	<i>Thompson,</i>
<i>Buchanan,</i>	<i>McNab, Sir A.N.</i>	<i>Price,</i>	<i>Thorburn,</i>
<i>Burnet,</i>	<i>McDonald, (Pres.)</i>	<i>Quesnel,</i>	<i>Turcotte,</i>
<i>Child,</i>	<i>Merritt,</i>	<i>Raymond,</i>	<i>Viger, Hon. D.B.</i>
<i>Christie,</i>	<i>Morin,</i>	<i>Ruel,</i>	<i>Woods. — 32.</i>

## NOES.

<i>Cameron,</i>	<i>Foster,</i>	<i>Killaly, Hon. H.H.</i>	<i>Parke,</i>
<i>Chesley,</i>	<i>Harrison, Hon. S.B.</i>	<i>McDonald, (Glen.)</i>	<i>Robertson,</i>
<i>Daly, Hon. D.</i>	<i>Hale,</i>	<i>Moffatt, Hon. G.</i>	<i>Steele,</i>
<i>Day, Hon. C.D.</i>	<i>Hamilton,</i>	<i>Moore,</i>	<i>Williams,</i>
<i>Delisle,</i>	<i>Holmes,</i>	<i>Ogden, Hon. C.R.</i>	<i>Yule. — 22.</i>
<i>Derbshire,</i>	<i>Johnston,</i>		

Bill passed.

So it was carried in the affirmative, and —

*Resolved* — That the Bill do pass.

*Ordered* — That Sir *Allan McNab* do carry the said Bill to the Legislative Council and desire their concurrence.

Messages from  
His Excellency.

The Honorable *S. B. Harrison*, one of Her Majesty's Executive Council, delivered to Mr. Speaker three Messages from His Excellency the Governor General, signed by His Excellency.

And the said Messages were read by Mr. Speaker, all the members of the House being uncovered, and are as followeth : —

## SYDENHAM.

Respecting locality  
of the seat of  
Government.

In answer to their Address of the 14th instant, the Governor General informs the House of Assembly, that His Excellency is in possession of no correspondence with the Home Government, in reference to the locality of the Seat of Government of *Canada*, which His Excellency could, with propriety, communicate to the House.

Government House,  
Kingston, 16th July, 1841. }

## SYDENHAM.

Respecting Address  
from Assembly of U.  
Canada on introduc-  
tion of Canadian  
products into the  
Ports of Great Britain.

The Governor General informs the House of Assembly, in answer to their Address of the 14th instant, that His Excellency has been apprised by the Secretary of State, that the Address of the House of Assembly of *Upper Canada*, on the subject of the introduction of the products of this Province into the Ports of *Great Britain* free from duty, and to invest the Legislature with power to originate and vary duties on products when admitted into the Ports of this Province on certain conditions, had been referred, by Her Majesty's commands, for the consideration of the Lords of the Committee of Privy Council for the affairs of Trade; and His Excellency has further received the assurance of Lord *John Russell*, that "It will be the object of the Queen's Government to free the Trade of *Canada* from restrictions which are unnecessary, and at the same time to do justice to the industry and manufactures of the United Kingdom."

Government House,  
Kingston, 16th July, 1841. }

## SYDENHAM.

Respecting reserved  
Bill for imposing  
duties on imports  
from U. States.

The Governor General informs the House of Assembly, in answer to their Address of the 13th instant, that no information has been

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received from the Secretary of State on the subject of the Bill passed by the Legislative Council and Assembly of *Upper Canada*, during their last Session, entitled "*An Act to impose certain duties on certain articles imported into this Province from the United States of Amer-*

"ica," and that that Bill is still under the consideration of Her Majesty's Government.

Government House,  
Kingston, 16th July, 1841. }

Return of acceptance  
by R. Baldwin, Esq.,  
of a seat in the Ex.  
Council, laid before  
the House.

The Honorable *S. B. Harrison* presented, pursuant to an Address of the House of Assembly of the 15th instant, a return on the subject of the acceptance, by *Robert Baldwin*, Esquire, of a seat in the Executive Council.

For the said Return, see Appendix (L.)

House in committee  
on 1st Report on  
contingencies.

On motion of Mr. *Thorburn*, seconded by Mr. *Neilson*,  
*Ordered* — That the Order of the day, for the House in Committee, on the first report of the Special Committee on the contingent accounts, and other expenses of the present Session, lost by the adjournment of the House of *Friday* last, be revived; and that the House do now resolve itself into the said committee.

The House accordingly resolved itself into the said Committee.

Mr. *Henry Smith* took the Chair of the Committee, and after some time spent therein,

Resolution reported.

Mr. Speaker, resumed the Chair,

And Mr. *Henry Smith* reported, that the committee had come to a Resolution, which he was directed to submit to the House whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received *to-morrow*.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read : —

Of P. Beaubien  
and others.

Of *Pierre Beaubien*, and others, members of the Mutual Fire Insurance Company of *Montreal*, praying that Judges and Justices of the Peace, who are members of the Company, may not sit in any legal proceedings wherein the Company shall be interested, and that other members may not be witnesses in cases of or against the said Company.

Of Hon. G. Thompson  
and others.

Of the Honorable *John G. Thompson*, and others, inhabitants of *New Carlisle*, in the District of *Gaspé*, praying an aid for the encouragement of education in *New Carlisle*, and its vicinities.

Of N. Wait & others.

Of *Norval Wait*, and others, Jurors of the District Court of the *Home* District, praying for a remuneration when attending as Jurors in the said District Court.

Of J. W. Keating  
and others.

Of *J. W. Keating*, and others, inhabitants of the *Northern* Townships, in the *Western* District, praying that no further tax be imposed upon them, and that the ten *Northern* Townships of the County of *Kent* be formed into a new District.

Of P. A. de Gaspé.

Of *Philip Aubert de Gaspé*, late Sheriff of the District of *Quebec*, praying to be released from imprisonment.

Of J. C. Hendershot  
and others.

Of *John C. Hendershot*, and others, inhabitants of the Townships of *Mersea* and *Gosfield*, praying for an aid to repair a road running between those two Townships.

Of John Midcalf.

Of *John Midcalf*, of *Kingston*, praying for a remuneration for the loss of a boat, taken by the Militia for the attack upon the *Caroline*.

Petition of James  
Carrall referred to  
select committee.

*Resolved* — That the Petition of *James Carrall* and others, inhabitants of the District of *Brock*, presented to the House on the 12th instant, be referred to a committee of five members to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power, to send for persons, papers, and records.

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*Ordered* — That Mr. *Hincks*, Mr. *Powell*, Sir *Allan M'Nab*, Mr. *Thorburn*, and Mr. *Thompson*, do compose the said Committee.

Committee on petition  
of F. Lussier and  
others, report.

The Honourable Mr. *Viger*, from the Special Committee to which was referred the Petition of *Felix Lussier*, Esq., and others, Proprietors and inhabitants of the county of *Vercheres*, and other references, presented to the House the report of the said Committee which was again read at the Clerk's table as followeth : —



Report.

Your Committee, after duly considering the prayer of the several Petitions, are of opinion that it should be granted, and therefore recommend your Honourable House to pass an Act to amend the Acts authorizing the establishment of Mutual Insurance Companies in the *Eastern* section of this Province, so far as to enable the Mutual Insurance Company of the City of *Montreal* to insure for the said counties. (Dissentient, Mr. *Moffatt*.)

Report referred to com. of whole on Thursday.

*Ordered* — That the said report be referred to a Committee of the whole House on *Thursday* next.

Com. on Pet. of N. American Colonial Association of Ireland report Bill.

Mr. *Dunscumb*, from the Select Committee to which was referred the Petition of the *North American Colonial Association of Ireland*, with power to Report by Bill or otherwise, presented to the House a Bill to authorize the *North American Colonial Association of Ireland* to loan moneys, and to prosecute certain public works in the county of *Beauharnois*, which was received and read for the first time.

Bill to authorise N. American Col. Asso'n of Ireland to loan moneys, &c. read first time.

*Ordered* — That the said Bill be read a second time on *Wednesday* next.

2nd reading Wednesday.

*Ordered* — That Mr. *J. S. Macdonald* have leave to bring in a Bill to settle by a more easy and less expensive mode than now by law exists, the damages which have been, or may hereafter be, sustained by the proprietors of land overflowed by means of the erection of Mill Dams.

Mill-dam damages bill brought in and read first time.

He accordingly presented the said Bill to the House and the same was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Friday* next.

Committee on Penitentiary appointed.

*Resolved* — That a Committee of five members be appointed to consider the affairs and management of the Provincial Penitentiary of that part of the Province heretofore *Upper Canada*, and the propriety of extending the operation of the Institution to that part of the Province heretofore *Lower Canada*.

*Ordered* — That the Honourable Mr. *Harrison*, Mr. *Quesnel*, the Honourable Mr. *Moffatt*, Mr. *Neilson*, and the Honourable Mr. *Viger*, do compose the said Committee.

On motion of Mr. *J. S. Macdonald*, seconded by Mr. *Chesley*.

Address to His Excy. for statement of suits in Chancery, ordered.

*Resolved* — That an humble address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, as soon as practicable, a statement of the number of suits brought in the court of Chancery since the 6th day of *February* 1840, shewing the number of suits actually adjudicated upon, the amount of costs taxed and allowed on each suit, also the amount of fees paid to the Registrar on each suit, together with a detailed statement exhibiting the aggregate sum received by that officer, by way of fees and charges on the said suits, since the period aforesaid, to this day.

*Ordered* — That the said address be presented to His Excellency the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

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On motion of Mr. *Holmes*, seconded by Mr. *Hamilton*,

House to go into com. on amending ordinances respecting Montreal roads.

*Resolved* — That this House will on *Monday* next, resolve itself into a Committee of the whole House to consider the expediency of amending the ordinance of the Special Council, providing for the improvement of the roads in the vicinity of *Montreal*.

On motion of Mr. *Durand*, seconded by Mr. *Harmanus Smith*.

Address to His Excy. for returns of Militia Fines in U. Canada ordered.

*Resolved* — That an humble address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a copy of all returns made by the different commanding Officers of Militia in this Province, of all fines

and exemption moneys received by them under the present Militia Law of the late Province of *Upper Canada*.

*Ordered*—That the said address be presented to His Excellency by such members of this House as are of the Honourable the Executive Council of this Province.

On motion of Mr. *Holmes*, seconded by Mr. *Dunscomb*,

*Ordered*—That the Order of the day for the House in committee to consider the expediency of enquiring into the several laws, levying duties on the imports into this Province, and to consider the propriety of amending and consolidating the same, lost by the adjournment of the House of *Friday* last, be revived, and that the House do resolve itself into the said Committee on *Monday* next.

On motion of Sir *Allan McNab*, seconded by Mr. *Harmanus Smith*,

*Ordered*—That the Order of the day for receiving the report of the Committee of the whole House on the first report of the special Committee appointed to enquire what assistance it will be necessary to afford to the Clerk, and what offices and departments it will be expedient to establish for the effective and orderly conduct of the business of this House, lost by the adjournment of the House of *Friday* last, be revived, and that the said report be now received.

Accordingly Mr. *Dunscomb* reported the resolutions of the said Committee, which were again read at the Clerks table and agreed to by the House, and are as followeth :

*Resolved*—That Mr. *Gustavus W. Wicksteed*, be appointed *English* translator to this House, and that he (sic) do also perform the duties of Law Clerk required by the rules adopted by this House, with a fixed salary of three hundred and fifty pounds currency, per annum, from the 14th *June*, ultimo.

*Resolved*—That Mr. *Henry Voyer*, be appointed *French* translator to this House, from the 14th *June* ultimo, with a fixed salary of two hundred and fifty pounds, currency, per annum.

*Resolved*—That Mr. *Alexander Lemoine*, be appointed assistant *French* translator to this House, from the 14th *June* ultimo, with the pay of twenty shillings, currency, per diem, during the session.

*Resolved*—That Mr. *William Poyntz Patrick*, be appointed chief Office Clerk of this House, from the 14th ultimo, with a fixed salary of three hundred and fifty pounds, currency, per annum.

*Resolved*—That Mr. *William Ross*, be appointed chief Clerk of Committees, from the 14th *June*, ultimo, with a fixed salary of three hundred pounds currency per annum.

*Resolved*—That Mr. *Alfred Patrick*, be appointed second Clerk of Committees, from the 14th *June* ultimo, with a fixed salary of two hundred and twenty five pounds, currency, per annum.

*Resolved*—That Mr. *Thomas Vaux*, be appointed second Office

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Clerk from the 14th *June* ultimo, with a fixed salary of two hundred and twenty five pounds, currency, per annum.

*Resolved*—That Mr. *Pierre E. Gagnon*, be appointed Clerk of the Journals, from the 14th *June* ultimo, with a fixed salary of two hundred and twenty five pounds, currency, per annum.

*Resolved*—That Mr. *George M. Muir*, be appointed second Clerk of the Journals, from the 14th *June* ultimo, with a fixed salary of two hundred and twenty five pounds, currency, per annum.

*Resolved*—That the salary of the Librarian be fixed at two hundred pounds, currency, per annum.

*Resolved*—That the salary of the deputy Librarian be fixed at one hundred pounds, currency, per annum.

*Resolved*—That it shall be the duty of the Officers of this House (including the Clerk and Clerk assistant) to complete and finish the work remaining at the close of each session.

Order for House in com. on amending laws levying duties on imports revived.

Order for receiving report com. of whole on 1st Report of com. on Clerk's Office revived, and report presented.

Resolutions of com. of whole reported, and agreed to.

1st Resolution.  
£350 per annum to Law Clerk, and English translator.

2nd Resolution.  
£250 per annum French translator.

3rd Resolution.  
20s. per diem, Assistant F. translator.

4th Resolution.  
£350 per annum, Chief Office Clerk.

5th Resolution.  
£300 per annum, Chief Clerk Committees.

6th Resolution.  
£225 per an'm, 2nd Clerk Committees.

7th Resolution.  
£225 per annum, 2nd Office Clerk.

8th Resolution.  
£225 per an'm, Clerk of Journals.

9th Resolution.  
£225 per annum 2nd. Clerk of Journals.

10th Resolution.  
£200 per annum, Librarian.

11th Resolution.  
£100 per annum Deputy Librarian. Permanent officers of House to complete the work.

13th Resolution.  
10s. per diem of 6  
hours to extra Clerks.

14th Resolution.  
£100 per an'm Chief  
Messenger.

15th Resolution.  
£40 per Session,  
House Messenger.

16th Resolution.  
£60 per session  
Doorkeeper.

17th Resolution.  
7s. 6d. per diem to  
other messengers.

Message to Legislative  
Council for leave  
to Messrs. Caron, J.  
Fraser, & Pemberton  
to attend Committee.

House to go into  
Committee on  
amending Ordinance  
for constructing  
Sherbrooke Rail Road.

Election Bill read  
second time.

Bill to enable  
Religious Societies to  
hold lands read  
2nd time.

*Resolved* — That the Extra Clerks and writers employed during the session be paid at the rate of ten shillings, currency, per day of six hours, and so in proportion for extra hours.

*Resolved* — That *A. Leroux dit Cardinal*, be appointed chief Messenger, from the 14th June ultimo, with a fixed salary of one hundred pounds, currency, per annum, and the allowance heretofore enjoyed by him as Messenger to the House of Assembly, of the late Province of *Lower Canada*.

*Resolved* — That *King Barton*, be appointed House Messenger, with a fixed salary of forty pounds, currency, for each session.

*Resolved* — That *Hugh McClellan*, be appointed door keeper, with a fixed salary of sixty pounds, currency, for each session, not including the allowance of twenty pounds which he now receives by warrant, in virtue of a Law.

*Resolved* — That the others Messengers and doors keepers be paid at the rate of seven shillings and six pence, currency, per diem, during the session.

*Resolved* — That a Message be sent to the Honourable the Legislative Council, praying their honors will permit the Honourable *Réné Edouard Caron*, *John Fraser* and *George Pemberton*, three of their members, to attend the Select Committee of this House to which is referred the petition of *John William Woolsey*, Esquire, and others, of the City of *Quebec*, praying to be restored to their Elective Franchise, on *Wednesday* and *Thursday* next, at 10 o'clock in the forenoon, to be examined on the subject of the said reference.

*Ordered* — That *Mr. Burnet* do carry the said Message to the Legislative Council.

On motion of *Mr. Moore*, seconded by *Mr. Child*.

*Resolved* — That this House will, on *Monday* next, resolve itself into Committee of the whole House to take into consideration the expediency of amending a certain Ordinance passed by the Special Council of the late Province of *Lower Canada*, in the 4th year of Her Majesty's Reign intituled "*an Ordinance for making a Rail Road from Sherbrooke to a point upon either Bank of the Richelieu*."

A Bill the better to provide for the freedom of elections throughout this Province, and for other purposes therein mentioned, was, according to order, read a second time.

A Bill to enable religious Societies of all denominations of Christians to hold the lands requisite for certain purposes therein mentioned, was according to order, read a second time.

*Mr. Williams* the framer of the bill said that all the petitioners prayed for was ; that all denominations of christians, might be allowed to hold 10 acres of land, for a house of worship, school room, &c.<sup>8</sup>

*Mr. Cartwright* remarked, that a bill introduced by himself upon the subject to extend the amount of land to be held by such societies to the value of £500, had been already transmitted to the Home Government for Her Majesty's assent, and that consequently it would be better for the member for Durham, to defer his motion.<sup>9</sup>

*Mr. Williams* did not feel disposed to do so....<sup>10</sup>

Some suggestions ... fell from *Messrs. Moffatt* and *Merritt*....<sup>11</sup>

He (*Mr. Williams*) concurred in the propriety of the bill's being committed.<sup>12</sup>

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*Ordered* — That the said Bill be referred to a Committee of the whole House on *Wednesday* next.



Bill to enable  
Christian Ministers of  
all denominations  
to solemnize marriage  
read 2nd time.

A Bill to enable the Ministers of all denominations of Christians to solemnize marriage under certain restrictions, was according to order read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Wednesday* next.

Bill to naturalize  
certain persons read  
2nd time.

A Bill to secure to, and confer upon, certain Inhabitants of this Province, the Civil and Political Rights of natural born *British* Subjects, was according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Thursday* next.

Bill to incorporate  
Ladies Benevolent  
Society of Montreal  
read 2nd time.

A Bill to incorporate the Ladies Benevolent Society of *Montreal*, was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Wednesday* next.

House in Committee  
on Report of Special  
Committee on Gaspé  
Fisheries.

The Order of the day for the House in Committee on the report of the Special Committee to which was referred the Bill to regulate the fisheries in the District of *Gaspé*, and on the said Bill, being read.

The House accordingly resolved itself into the said Committee.<sup>18</sup>

Mr. *Powell* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair.

Progress.

And Mr. *Powell* reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Leave granted to sit  
again.

*Ordered* — That the said Committee have leave to sit again on *Wednesday* next.

Order for House in  
Committee on Laws  
of Feudal Tenure,  
postponed.

The Order of the day for the House in Committee to take into consideration the Laws of that part of the Province, heretofore known as *Lower Canada*, touching the tenure of Lands, and commonly known as "Feudal Tenure" and to consider the expediency of altering, and amending the same, and the best and most equitable mode of effecting the alterations that may be deemed necessary, being read.

*Ordered* — That the said Order of the day be postponed until *Monday* next.

Then on motion of the Honourable Mr. *Viger*, seconded by Mr. *Price*.

The House adjourned.

#### Appendix. 19 July 1841.

((Withdrawn motion re : Select Committee on Polling Places.))

Mr. Baldwin ... moved, that a committee of his own naming Messrs. Powell, Price, Morin, Durand, Viger, Hincks and others, be appointed to take the subject into consideration, and appoint polling places.<sup>14</sup>

This ((was)) ... opposed by Mr. Johnston and others, as a "selfish and one-sided motion,"....<sup>15</sup>

The hon. mover ((Baldwin)) withdrew it to re-introduce the measure to a fuller house.<sup>16</sup>

Footnotes — 19 July 1841.

1. This petition was from William Light "and 327 others praying for a grant of money for western communications." BRITISH COLONIST, 28 July 1841.

2. The debates on this question were reported in: BRITISH COLONIST, 28 July 1841, which also contained a commentary.

3. BRITISH COLONIST, 28 July 1841.

4. IBID., which reported that Mr. Day "made an impressive and excellent speech...."

5. BRITISH COLONIST, 28 July 1841.

6. BRITISH COLONIST, 28 July 1841. A specific note was made of the fact that Mr. Hincks did not speak on the subject. Mr. Berthelot was reported to have "bawled as though the assembly was a mile off."
7. BRITISH COLONIST, 28 July 1841.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. "The Gaspé Fisheries bill engaged the house in committee for some time, and was postponed for future consideration." BRITISH COLONIST, 28 July 1841.
14. BRITISH COLONIST, 28 July 1841.
15. IBID.
16. IBID.

**Tuesday, 20 July 1841.**

*Petitions brought up.*

Rev. J. Abbott and others.

Rev. W. Muir and others.

J. Huston and others.

T. Hains and others.

T. Barron and others.

W. Ginger.

T. Carr and others.

John Bonner and W. Petry.

Petition of L. Mousseau and others referred.

Time appointed for taking into consideration petition of divers inhabitants of Frontenac.

Petition of Philip Aubert de Gaspé referred to Select Committee.

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The following petitions were severally brought up, and laid on the table : —

By Mr. *Robertson* — The Petition of the Reverend *Joseph Abbott*, and other *Protestant* inhabitants of the Township of *Grenville* — the Petition of the Reverend *William Muir*, and others, of the Township of *Chatham*, in the County of *The Lake of Two Mountains* — the Petition of *Joseph Huston*, and others, of the Township of *Chatham*, in the County of *The Lake of Two Mountains* — the Petition of *Thomas Hains*, and others, inhabitants of the Townships of *Grenville*

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and *Chatham* — and the Petition of *Thomas Barron*, and others, of the County of *The Lake of Two Mountains*.

By Mr. *Burnet* — The Petition of *William Ginger*, of *Quebec*.

By Mr. *Gilchrist* — The Petition of *Thomas Carr*, and others, of the Township of *Otanabee*.

By Mr. *Neilson* — The Petition of *John Bonner* and *William Petry*, of *Quebec*.

*Resolved* — That the Petition of *Louis Mousseau*, and others, proprietors of the Parish of *Berthier*, in the District of *Montreal*, presented to the House on the 12th instant, be referred to a committee of five members to examine the contents thereof, and report thereon with all convenient speed ; with power to send for persons, papers, and records.

*Ordered* — That Mr. *Armstrong*, Mr. *Barthe*, the Honorable Mr. *Daly*, Mr. *Holmes* and Mr. *Robertson*, do compose the said Committee.

*Ordered* — That the Petition of divers inhabitants of the County of *Frontenac*, complaining of the undue election and return of *Henry Smith*, Esquire, representative for the said County, be taken into consideration on the day and hour fixed by this House, for taking into consideration the Petition of *James Mathewson*, of the Township of *Pittsburg*.

*Resolved* — That the Petition of *Philippe Aubert de Gaspé*, late Sheriff of the District of *Quebec*, presented to the House on the 14th instant, be referred to a Committee of five members, to examine the contents thereof, and to report thereon with all convenient speed, by Bill, or otherwise ; with power to send for persons, papers and records.

*Ordered* — That Mr. *Christie*, Mr. *Hamilton*, Mr. *Neilson*, Mr. *De Salaberry*, and the Honorable Mr. *Viger*, do compose the said Committee.

The Honourable *S. B. Harrison*, one of Her Majesty's Executive Council, delivered to Mr. Speaker two Messages from His Excellency, the Governor General, signed by His Excellency.

And the said Messages were read by Mr. Speaker, all the members of the House being uncovered, and are as followeth : —

SYDENHAM.

The Governor General recommends to the House of Assembly the propriety of providing for the purchase of the Interest of the private Shareholders in the *Welland Canal*, conformably to a Bill passed in the Session of 1839, by the House of Assembly of *Upper Canada*.

Government House,  
Kingston, 20th July, 1841. }

Message from His Excellency the Governor General on private Stock, Welland Canal.



## SYDENHAM.

Message with statement of Revenue and Expenditure.

The Governor General transmits to the House of Assembly a Statement of the probable revenue and expenditure of the Province, and an Estimate of Expenditure up to the 31st December, 1841; and in conformity with the provisions of the 57th clause of the Union Act, he recommends these estimates to the House of Assembly.

Government House,  
Kingston, 20th July, 1841. }

For the said Statements and Estimates, see Appendix (B.)

Welland Canal Accounts presented.

The Honourable *S. B. Harrison* presented, pursuant to the Provincial Act 7, William 4. Cap. 92, the *Welland Canal* accounts for 1840.

For the said Accounts, see Appendix (D.)

And annual report from Provincial Penitentiary.

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And also, pursuant to the Provincial Act 4th William 4, Cap. 37, the Annual Report of the Provincial Penitentiary for 1840.

For the said Report, see Appendix (M.)

71st Rule not to be retrospective.

Mr. *Durand* moved, seconded by Mr. *Harmanus Smith*,

That nothing contained in the 71st Rule of this House shall be taken to affect any Petition, Resolution, Bill, or other proceeding, which was presented, received, moved, or introduced, before the said Rule was adopted by the House; but that every such Petition, Resolution, Bill, or other proceeding, so introduced, shall be proceeded upon in like manner, as if the said Rule had not been made.

Mr. *Hamilton* would oppose the motion. The hon. gentleman has in view the revival of a question which has already been twice decided against him. He alluded to the question which had been raised for conferring certain privileges on the Sydenham Road Company. He thought that the parties ought to be bound by the rule of the House, and would therefore oppose the motion, which went to establish a general rule for the especial benefit of the petitioners in this instance.<sup>1</sup>

Mr. *Durand* had thought it unjust to the petitioners that having presented their petition in the usual manner, and before the establishment of the present rule, they should now be called upon to pay twenty pounds before the bill could be proceeded with. He hoped that the House would grant the motion and extend justice to them.<sup>2</sup>

Some further discussion ((ensued))....<sup>3</sup>

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The question having been put upon the said motion, a division ensued, and it was carried in the affirmative.

*Resolved* accordingly.

On motion of Mr. *Derbshire*, seconded by Mr. Solicitor General *Day*.

Committee of whole to-morrow, on 1st and 3rd Vic. relating to District of Dalhousie.

*Resolved* — That this House will, on to-morrow, resolve itself into a Committee of the whole House, to take into consideration the Acts of the 1st and 3d of VICTORIA, relating to the intended District of *Dalhousie*, and the erection of a Gaol and Court House therein.

Address to be sent to His Excellency for information on loans made to certain Companies, Corporations and individuals, in U. C.

Mr. *Hincks* moved, seconded by Mr. *Price*,

That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a statement of all loans made by the Government to the *Cobourg*, *Port Hope*, and *Oakville* Harbour Companies, and also of the securities, if any, taken for such loans, and the amount of Interest at present due thereon; and that His Excellency will further be pleased to inform this House what steps have been taken to enforce payment of the arrears of Interest, if any be due.<sup>4</sup>

In submitting this motion, he ((Mr. *Hincks*)) thought it proper to state that a loan of £3000 had been granted to the *Cobourg* Harbour Company, but instead of going directly

into the possession of the Company, it passed by some means or other into the hands of an individual member, who gave personal security for its repayment, and thus exercised a control over the Company. New stock was created, and yearly dividends of about 12 per cent declared, yet not a shilling of either the principal or interest had been paid to the Government for the last four years and a half (hear, hear). The Company came forward a second time and asked for a second loan, and obtained it under the provision that all the tolls, dues, &c., collected by the Company should, after defraying the expenses necessary for collection, be paid into the hands of the Receiver General of the Province, until the principal and interest had been refunded. This stipulation has not been complied with, no monies having been paid to the Receiver General, while dividends have been paid up till last year, nor had any steps been taken, to his knowledge, to enforce the payment. The Port Hope Harbour company was in a similar situation. A loan of £2000 had been granted to the company, and had likewise passed in the hands of an individual. In what manner it had been expended he was not prepared to say. A dredging machine which had cost the Province a large sum of money had been employed in the improvement of the harbour, the charges for repairs upon which amounted to more than its original cost. His object in pressing the motion was, that the House should be informed of the facts of the case submitted.<sup>5</sup>

**Mr. Harrison** had no objection that all the information in possession of the Government relative to these harbours should be laid before the House, but it would be found unsatisfactory, as the plea generally set forth in such cases was, that the interest had been expended in the improvement of the work. The facts cited proved two things, the necessity for a Board of Works, and the impropriety of leaving public works to the speculation of private companies (hear, hear.) It was due, however, to the company to say, that in the early period of the country no such facilities were afforded for carrying on scientific improvements, and were it not for individual enterprise, we would have been destitute of all improvement.<sup>6</sup>

**Sir Allan MacNab** was afraid the remedy proposed by the hon. member for Kingston would be found worse than the evil (a laugh). He thought that the amount required for the maintenance of this Board of Works would be greater than the interest on all the loans to private companies put together. With respect to the motion before the House, he hoped the hon. gentleman who introduced it would extend the enquiry to every company which had received loans of money. He wished that the whole matter should be brought before the House. The best mode of proceeding was to inquire into all.<sup>7</sup>

**Mr. Holmes** considered that there had been great remissness on the part of the Government in the matter brought before the House.<sup>8</sup>

**Mr. Boswell** was of opinion that the discussion was premature. Although connected with the part of the country alluded to, he would withhold any observation until the returns were made.<sup>9</sup>

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Sir Allan McNab moved, in amendment, seconded by Mr. Cameron, That the following words be added to the said Address : — “And  
“also similar information with regard to Corporations, or individuals in  
“that part of the Province lately called *Upper Canada*.”

A few observations ((were made))....<sup>10</sup>

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The question being put upon the motion of amendment, it was un-animously agreed to by the House.

The question being then put upon the main motion : as amended, it was also agreed to, and —

*Resolved* — That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a Statement of all loans made by the Government to the *Cobourg*, *Port Hope*, and *Oakville* Harbour Companies, and also the securities, if any, taken for such loans, and the amount of Interest at present due thereon ; and that His Excellency will further be pleased to inform this House what steps have been taken to enforce payment of the arrears of Interest, if any be due ;

and also similar information with regard to all Corporations or Individuals in that part of the Province lately called *Upper Canada*.

*Ordered* — That the said Address be presented to His Excellency by such members of this House as are of the Honourable the Executive Council of this Province.

On motion of Mr. *Turcotte*, seconded by Mr. *Parent*,

*Resolved* — That this House will, on *Monday* next, resolve itself into a Committee of the whole House to take into consideration the propriety of repealing or amending the Statutes and Ordinances of that

House to go into Committee, on *Monday* next, on Statutes &c. of L. C. relating to highways.

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part of this Province formerly called *Lower Canada*, relating to the improvement of the Queen's Highways, during the winter season.

On motion of Mr. Attorney General *Draper*, seconded by Mr. *Merritt*,

*Ordered* — That the Order of the day for the House in Committee to take into consideration the expediency of granting a sum of money to purchase the private shares in the *Welland* Canal, lost by the adjournment of the House of *Friday* last, be revived, and that this House will, on *Thursday* next, resolve itself into the said Committee.

Order of day for Committee on purchasing private stock of Welland Company, revived.

Message of His Excellency on same subject referred to same Committee.

*Ordered* — That the Message of His Excellency, the Governor General, on the same subject, received this day, be referred to the said Committee.

Mr. *Johnston* moved, seconded by Mr. *Williams*,

That the Clerk of this House be instructed to inform the Proprietor of the *Canadian* Mirror of Parliament, that his paper is no longer required for the use of members of this House.

Motion for discontinuing Mirror of Parliament.

Motion lost.

The question having been put upon the said motion, a division ensued and it passed in the Negative.

On motion of Mr. *Neilson*, seconded by Mr. *Christie*,

*Ordered* — That the Order of the day, for the House in Committee, to take into consideration the Petition of *William Walker*, and other inhabitants of the city of *Quebec*, relating to the Timber Trade, lost by the adjournment of the House of *Friday* last, be revived, and that this House will, on *Friday* next, resolve itself into the said Committee.

Order of day for Committee of whole on Petition of William Walker and others, revived.

On motion of Mr. *Neilson*, seconded by Mr. *Christie*,

*Ordered* — That the Order of the day, for the House in Committee, to consider any and what amendments are necessary to two certain Ordinances of the Governor and Special Council of the late Province of *Lower Canada*, relating to the incorporation of the City of *Quebec*, lost by the adjournment of the House of *Friday* last, be revived, and that this House will, on *Friday* next, resolve itself into the said Committee.

Order of day for Committee on certain Ordinances, revived.

On motion of Mr. *Merritt*, seconded by Mr. *Thompson*,

*Ordered* — That the Order of the day, for the second reading of the Bill to amend the Militia Law of that part of the Province formerly constituting the Province of *Upper Canada*, lost by the adjournment of the House of *Friday* last, be revived, and that the said Bill be read a second time on *Wednesday*, the 28th instant.

Order of the day on 2nd reading of Militia Bill revived.

On motion of Mr. *Merritt*, seconded by Mr. *Powell*,

*Ordered* — That the Order of the day, for the second reading of the Bill for the relief of disabled and infirm persons, lost by the adjournment of the House of *Friday* last, be revived, and that the said Bill be read a second time on *Friday* next.

Order of day on 2nd reading Bill for relief of disabled and infirm revived.

Mr. *Henry Smith*, from the Committee of the whole House, on the first Report of the Special Committee on the contingent accounts and expenses of the present Session, reported, according to Order, the Resolution of the said Committee, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth : —

Committee of whole report on 1st report of contingent Committee.



£3396 9s. 8d. put into the hands of Jas. FitzGibbon, Esq. to liquidate certain claims against the late House of Assembly of U. C.

*Resolved* — That the sum of three thousand three hundred and ninety six pounds, nine shillings and eight pence, currency, out of the monies now in the hands of Mr. Speaker, be paid to *James Fitzgibbon, Esquire*, late Clerk of the House of Assembly of *Upper Canada*, to enable him to liquidate, in part, the several claims against the said House, as per First Report of the Special Committee on contingencies.

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House in Committee on Common Schools.

The Order of the day, for the House in Committee, to take into consideration the expediency of repealing certain laws relating to the establishment and maintenance of Common Schools in the late Province of *Upper Canada*, and of making provision for the establishment and maintenance of Common Schools in this Province, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Boutillier* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Resolution on maintenance of Common Schools reported.

And Mr. *Boutillier* reported, that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth : —

Resolution.

*Resolved* — That it is expedient to repeal the Acts and parts of Acts of the Legislature of that part of this Province formerly called *Upper Canada*, providing for, or relating to, the establishment, maintenance, or regulation of Common Schools therein ; and to make provision for the establishment and maintenance of Common Schools throughout this Province.

Bill for support of Common Schools brought in and read.

*Ordered* — That Mr. Solicitor General *Day* have leave to bring in a Bill to repeal certain Acts therein mentioned, and to make provision for the establishment and maintenance of Common Schools throughout this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.<sup>11</sup>

Mr. *Day* rose and said that the object of the present motion was the repeal of the existing laws on this subject in the two portions of the Province, and the substitution in their place of one general system which should extend to the whole Province, and embrace the entire population. The subject was one of the greatest importance, and which threw a great moral duty on every man to lend his aid towards supporting it. Those acquainted with the subject well knew that the present measure was but one part of the great general system of national education, which would take in not merely the establishment of common schools, but also of model, and more especially of normal schools, which would train up young men to act as teachers and instructors. Of this system the establishment of common schools would be the foundation upon which all the rest would lie ; and if prudence was only observed in proceeding, there was no reason why everything should not be done on this basis which the importance of the subject required. In order, however, to secure success, it was necessary that the system introduced should be ample, effective and popular, and that it should not interfere with the prejudices of those for whose benefit it was intended. It was not necessary to detain the committee with the considerations of several acts which had existed in *Upper Canada*, it was sufficient to say that they had proved inadequate for the purpose intended, and that it was necessary that some alteration should take place. The first act of the Legislature on the subject of education in that province was passed in 1816 ; this act was extended by another of 1819, which made further provision by extending the aid previously granted. In 1830 another act was passed, and again in 1833, which was the last attempt at legislation on the subject. There was but one opinion on the effect of these measures, that they had proved insufficient, and had failed to effect the important object held out. By reference to statistics it would be seen that the total number of children educated at the district schools was 300, and at common schools 800, giving out of the total number an average of one only out of 18 who received the benefit of education. If, then, means for the encouragement of education was so much required in *Upper Canada*, how much more were they required in *Lower Canada*. There no legal establishment existed, no provision of the law by which the people could obtain access to education. With the exception of a few institutions supported by private benevolence, and

maintained by the exertions of a class of men to whom he (Mr. Day) could not pay too high a tribute of praise — he alluded to the Roman Catholic clergy — no means for public instruction existed. The total population of that Province was estimated at 600,000 souls, out of which one-fifth, or 12,000 (sic) men, were without the means of education, and this young population was growing up to the exercise of important duties totally ignorant of the nature of those duties. He (Mr. Day) would not join in the censure which had been so abundantly dealt out on the Legislature: the truth was, that there had been a great deal of legislation on the subject, extending back to the 41st George 2nd, which attempted the foundation of a royal institution, but was productive of no effect. Since then several acts had been passed; in 1814, 1818, and lastly in 1823, which last act was of great importance, and must have produced the most beneficial results. Its effect was to divide the country into districts: and so important was it considered that it had been extended by subsequent statutes down to the 2d Wm. 4, c. 26, which existed up to the time of the suspension of the constitution, since when no provision for the maintenance of schools had been made. These facts alone were sufficient to secure the unanimous support of that house, and he would merely add, that he had bestowed great attention upon the materials necessary for the measure, in order to render it worthy of support. Besides his own labours, he had been indebted for much of the information he possessed to a valuable report furnished by Dr. Duncombe (sic) to the Legislature of Upper Canada on the subject of education in the province, as also to the labours of a gentleman named Dunkin, and to a pamphlet published by Mr. Mondelet, the tenor and spirit of which reflected the highest credit on the writer. After passing a strong eulogy on this pamphlet, Mr. Day moved the reception of the order of the day.<sup>12</sup>

**Mr. Neilson** said that there could of course be no objection on his part to any alteration which might be considered necessary in the law relating to common schools in this part of the Province. But with respect to the eastern part, a portion of which he had the honor to represent, he could state from his own personal knowledge that great efforts had been made by the people themselves — and those efforts, he was happy to say, were successful — to educate the rising generation.<sup>13</sup> Had no objection to the system of education that prevailed in Lower Canada, which was carried to an extent at one time embracing the instruction of 40,000 children.<sup>14</sup>

He (Mr. Neilson) had visited hundreds of schools in Lower Canada, and he never in any part of the world saw greater progress made than was made in those schools. (Hear, hear.) The dissensions between different branches of the Legislature afterwards unhappily put an end to the system of education then in practice, and left that province without any provision for common schools, and nothing remained but what could be derived from the efforts of the people themselves; and he believed it was now going on in such a way that whether assistance were given to them or not, they would be educated. (Hear, hear.) This was the universal feeling throughout Lower Canada. — Notwithstanding this, he would be happy to see the work facilitated by some organized system, by which the people might be fully enabled to educate their children according to their wishes and feelings; and, above all, their religious opinions should not be interfered with. — He (Mr. Neilson) would cheerfully concur in the resolution, and he would also endeavor to aid to the utmost of his power any proceeding upon this subject; but he would, at the same time, watch with great earnestness any thing which he thought was calculated to interfere with the religious prejudices of the people.<sup>15</sup>

**Capt. Steele** would observe that that part of the speech of his Excellency the Governor General which referred to the subject of education had been received with immense satisfaction throughout the whole western part of the province, and he was happy to perceive that a similar spirit seemed to prevail in Lower Canada. He hoped the house would unite in producing as perfect a system of education as possible; that each denomination of Christians may educate their children according to the principles of their own faith.<sup>16</sup> ((He)) hoped to see Norman (sic) ((Normal)) schools established, and such a system of bringing up young men, as teachers; as would preclude the necessity of catching at every mere adventurer from the States, who was desirous of introducing principles decidedly opposed to those that ought to be inculcated in the minds of youth in a British colony.<sup>17</sup>

**Mr. Merritt** said this was a question which he had heard discussed for a number of years, and up to the present time, he was sorry to say, without any beneficial result. He thought before the system already in existence was condemned, or set aside, they ought to be well assured that they had the means of establishing a better. They might look with great advantage to other countries for examples on the subject of education. In the State of Connecticut a fund was provided by the government equal to the sum which the people were willing to raise



voluntarily, and they had by these means an aggregate of four millions of dollars annually for the support of common schools. The result of such a system was, that according to returns which might be relied upon, there was but one person in the whole State who was unable to read and write. He hoped the hon. gentleman would point out some means for providing a permanent fund for the maintenance of schools, which, up to the present moment, had not been the case. Although as far back as 1798 a large appropriation of lands had been made for the support of grammar schools, yet that appropriation had afterwards been diverted to other purposes.<sup>18</sup>

Hon. Mr. Harrison said he was exceedingly happy to hear the observations of the hon. gentleman, for it fortunately happened that the plan which he recommends is the very one which is intended to be pursued. The fund is provided by the Legislature. With regard to an appropriation of lands an investigation has been going on, and he trusted that before the end of this session a very satisfactory report would be laid before the Legislature.<sup>19</sup> Mr. Harrison said, that it was proposed to raise such fund, by a local assessment in every district, and that details accordingly would be submitted to the house in due course, which he hoped would be satisfactory.<sup>20</sup>

Mr. Boswell said the hon. and learned gentleman who introduced the resolution had very properly abstained from entering at large upon the details of the measure which he intended to found upon it; but he (Mr. Boswell) was convinced it was a subject of congratulation to the country that now, for the first time, a minister of the government comes down to this house and proposes a measure for the promotion of education. However we may differ upon the minute details, the very fact of the measure being proposed by a minister of the government is a subject of congratulation. (Hear, hear.) The hon. gentleman from Haldimand says, before we condemn the old plan let us know what the new one is to be. Sir, I have heard the old system condemned from one end of the province to the other. That it is necessary to adopt some change there can be no doubt; there is no difference of opinion upon this point; and I trust that when the plan of the hon. and learned gentleman is brought before the house it will be found to be so liberal in its nature that they will feel it their duty to give it their entire support.<sup>21</sup>

Mr. Merritt observed that he was very happy to find that a permanent fund was intended to be appropriated. Under these circumstances he had no idea of opposing the measure.<sup>22</sup>

Mr. Hale said he derived much satisfaction from the announcement of the hon. and learned gentleman, not only with regard to the subject itself but with the mode in which he proposed to conduct it. He was happy to find that the measure was to have reference to the various sections of the province. He confessed he was somewhat startled at the expression made use of by the hon. gentleman from the county of Quebec (Mr. Neilson,) that he would watch with scrupulous care the introduction of a system of education which should have reference to Lower Canada. He (Mr. Hale) was induced to believe from this expression that the hon. gentleman had a lurking desire that the union of these provinces should not be consummated. (Hear, hear.)<sup>23</sup>

Mr. Viger said the hon. gentleman seemed to be under a misapprehension with regard to the desire of the hon. member from Quebec. What they desired was that there should be no distinction in religious matters. He (Mr. Viger) could not see any great harm in this. They desired that no monopoly should be established; such things were destructive of the peace of society. They had examples both in Germany and France of government monopolies in the conducting of education, and they had been attended with the greatest abuses. We wish it to be particularly understood that all classes should be equal in the eye of the law, as regards civil and religious liberty. This is a principle which we desire to assert, and which we desire to see put in practice. The hon. gentleman declares that nothing has been done to remove the extreme ignorance which he represents as prevailing in Lower Canada. He (Mr. Viger) was far from saying that they were in no need of instruction, but this much he would say, that they were not altogether in the state which the hon. gentleman would have the house to believe. He would say further, that the efforts made by the House of Assembly to promote education had been extremely successful. Education had been progressing with extreme rapidity.<sup>24</sup>

Mr. Holmes said he had heard with great satisfaction the announcement which had been made to this house by the hon. member for Ottawa (Mr. Day) of his determination to bring forward a system of general education, to be provided for by a grant from the Legislature. He could assure that hon. gentleman that he could not bring forward a measure which



would be received with more approbation than this one. (Hear, hear.) There had been several petitions presented to that house praying that the holy scriptures might be introduced as a text-book in schools. He (Mr. H.) could not bring his mind to acquiesce in this proposition. Every man is answerable for his religious belief to his own conscience and his God, and every man must be at liberty to instruct his children in that faith which his conscience dictates.<sup>25</sup>

**Mr. Hincks** said he would support the resolution with great satisfaction, as he perceived that a fund for the purposes of general education was to be created from the lands originally set apart for the support of the schools within the Upper Province, and from what was called the Jesuits' estates in Lower Canada. With regard to the school lands, he (Mr. Hincks) was aware that there had been a great misapplication of the funds proceeding therefrom. He would regret exceedingly that a similar grant should be again made to so little purpose (hear, hear.) They had experienced trouble enough with those grants. The Clergy Reserves was another example (hear, hear.) It was known that great complaints arose regarding such grants, from the circumstance that they obstruct the settlement of the country. This was an important point. For these reasons he was averse to having any lands, more than had been already granted for that purpose, appropriated; and he trusted that those already granted would be disposed of as speedily as possible. It was impossible to enter into a discussion of the subject without having the details before them, but so far as he had an opportunity of judging of the measure from what he had already (sic) seen, he had no hesitation in giving it his cordial support.<sup>26</sup>

**Mr. Durand** said he should be extremely happy to support the resolution. The subject of Education was one which was viewed with extraordinary interest by the whole country. There had been a munificent grant of half a million of acres, which would have amounted at least to two millions of dollars, if sold. A sufficient fund would thus have been secured for the purpose of endowing schools throughout the whole Province. The question is now, what are we going to get in lieu of this fund. I think the people of the province are at all events entitled to an equivalent.<sup>27</sup>

**Col. Prince** said this was a most important subject; no subject brought before the house could be more so. He, however, would make objections to hon. members going into the details of the bill on the present occasion. The simple question is whether or not the bill ought to be introduced. He is and always has been, a strong advocate for common schools. If properly conducted, they will be productive of immense good to the country, and become the great basis of liberty. Under all circumstances and at all times, Scotland has been celebrated for its educational system; and therefore he would be willing to pay the greatest deference to the opinions of the hon. member for the country of Quebec on a question of this kind. The hon. member took his seat after paying a high tribute of respect to Col. Burwell, late member for London, for his exertions on this subject.<sup>28</sup>

**Mr. Neilson.** — The hon. member for Sherbrooke seems to think suspiciously of me. I am a Scotchman, and think that the old Scotch saying "evil thinkers are always ill doers," will apply very justly to that hon. gentleman.<sup>29</sup>

**Mr. Morin** said that there was education in Lower Canada, but no good had resulted from it, as the Government was not responsible.<sup>30</sup>

**Mr. Thorburn** said that this was one of the great measures that he had supported in common with the union. It was a measure to prove that the schoolmaster was abroad. — If the people have no education, they can have no notion of the doings of the government, and in such a case it does just as it pleases. A despatch had been sent to this colony to change the lands set apart for educational purposes for better lands. He trusted this would not be overlooked.<sup>31</sup>

**Mr. Harrison** replied that all sums previously allowed were taken into the accounts in possession of the house.<sup>32</sup>

**Mr. Price** stated that the question before the committee was one in which he took a deep interest, and he congratulated the country upon the prospect of a better state of things being about to be introduced. His hon. friend from South Lincoln had stated that the schoolmaster was abroad. He (Mr. Price) trusted that this bill would bring the schoolmaster home to every village and township. It had been a source of regret to him that hitherto all attempts at

legislation upon the subject of Education in this province had been made with a view to proselyte the youth of the country to one favorite dominant church, and valuable and rich endowments of lands had been diverted from their legitimate appropriation, that is, from common schools, and applied to build up sectarian colleges. A splendid evidence of this legislative folly may now be seen at Toronto; a large piece of ground has been set apart and at an enormous expense ornamented and decorated as pleasure grounds, for an intended University connected with the Church of England, but no building has been erected, although large salaries have been paid to embryo dignitaries at Toronto and others, to keep up the solemn mockery. If the bill now about to be introduced should be free from sectarianism and otherwise be liberally intended, it should have his (Mr. P.'s) cordial support; but, on the other hand, if it were to be trammelled with religious prejudices and enactments, it should meet his most determined opposition. The success of a ministry and the prosperity of a country depend very much upon the moral instruction of the people; and if the executive government expect to obtain that popularity which every friend of civil and religious liberty should aim at, they must give the country the advantage of a good, liberal, and extensive system of education, and then a good government will have materials to operate upon, which while it confers honor and credit on the executive, will on the other hand give moral influence and power to the people — a power which will be a formidable check upon a bad government and a strong support to a good one. My hon. friend from North Lincoln (continued Mr. Price) has stated that a great deal had been said in former parliaments on this important subject, and that laws had been set apart for the purpose of education, but scandalously diverted to some favorite object than that for which it was intended. This is not now the question; the question is, shall a liberal and extensive system of education be introduced into the country or not. My rooted and settled opinion is that all good governments are bound to provide for the education of the youth of the country; and should there be no means within the reach of the present Executive, I as an independent member of this house, am willing to provide the necessary means by taxation; as no tax could be more just and equitable than one judiciously levied and fairly laid out for the moral education of the people; and I am satisfied that my constituents will bear me out in my vote upon such a measure. I trust that the hon. and learned Solicitor General, when he brings in the bill, will not disappoint this house and the country by introducing any illiberal enactments to mar the present universal satisfaction the prospect of the measure has given.<sup>33</sup>

((Mr.)) Cameron ((made)) some observations....<sup>34</sup>

**Mr. Parent** ... ((told)) the committee that the Bible was a very improper book to be put into the hands of children at schools, and he, as a Catholic, could not sanction it....<sup>35</sup>

**Mr. Thorburn** advocated the measure as a most important one, observing that any allusion to the Bible, whatever difference of opinion existed, ought at all times to be made with that reverence which was due to so inestimable a volume.<sup>36</sup>

A rebuke ((was heard)) from ... ((Mr.)) Johnston.<sup>37</sup>

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*Ordered* — That the said Bill be read a second time this day fortnight.

*Ordered* — That 200 copies of the said Bill be printed in each of the *English* and *French* Languages, for the use of the members of this House.

The Order of the day for the House in Committee on the Bill to repeal the Laws now in force in that part of this Province formerly called *Upper Canada*, for the recovery of small debts, and to make other provisions therefore, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Holmes* took the chair of the Committee.<sup>38</sup>

**Mr. Draper** introducing the second reading of this bill, said that he had been fortunate enough to hear from all parts of the Province that the measure has been approved of.<sup>39</sup> As one out of the many instances of absurdity emanating from the present courts, he instanced the case of an individual at Niagara, who sued for work done in a smuggling transaction, — an award being given in his favour, the Commissioner remarking, that the risk which he ran in performing it, exposed him to a heavy penalty!! A sentence from a law court, thus providing a remuneration for an unlawful transaction.<sup>40</sup>

Bill ordered to be printed.

House in Committee on Small Debt Bill.



Among the very numerous comments of the learned member upon the provisions of the bill, the following remarks may more particularly be noticed. He proposed to divide Upper Canada into 6 Divisions, which would allow of such dispensation of Justice with regard to the courts for which the bill was introduced as would be generally beneficial. The present law, providing that forty days must expire before an execution could issue after judgment, operating to the disadvantage of claimants, he would introduce such an alteration with respect to the period of executions being issued, as he did not doubt would meet with general satisfaction. He also decidedly recommended that the appointment of any deputy in due part of a judge, should be given due notice of the executive, that proper precaution might be adopted to secure an efficient person. In the appointment of clerks and bailiffs, the learned gentleman was also of opinion that the Clerk of the District Court should be ex officio of the clerk of the Court of Requests. Upon the subject of fees, he also recommended that they would be resolved into a regular fee fund being convinced that in some districts they would exceed the demands for which they were levied, and would admit of a surplus that might be beneficially applied. It is within ten years, said the learned gentleman that the business of these courts has increased to a very great extent; he was desirous to introduce therefore, such a revision of the law as would deter the plaintiff from coming forward with a claim which he could not substantiate. Another provision that he contemplated was to enable any one claiming for an amount not greater than ten pounds from several parties, to have such claim answered upon proving the debt against one out of the number, without giving him the trouble to sue all; and also to allow minors to sue for wages due. He also recommended that the judges should have the regulating of the fees, and of any of the minor arrangements of office which their experience must render them competent to manage. There was another point, and he had omitted it purposely that he might now bring it more pointedly under the notice of the committee, that in the Courts of Request judgment is in all cases final. The alteration proposed to be introduced in this bill was that in case either party are dissatisfied with the judgment he should be entitled to appeal from the decision, and in no case should the costs of the appeal be costs charged in the case, but must be paid by the person appealing (sic); in order to do away with that bug-bear which seems to terrify some hon. gentlemen viz: law costs.

I have thus endeavoured to give a general outline of the details of the measure, and in order to bring the measure before the committee, I will now move for the adoption of the first resolution.<sup>41</sup>

**Mr. J.S. Macdonald** said he thought it highly desirable that some measure should be adopted in order to silence the complaints which were almost universally made with regard to the proceedings of these courts; as far as his own district is concerned, luckily there were commissioners of intelligence and integrity presiding, but this he was sorry to say was not the case throughout the province. — There was one suggestion which he would take the liberty of making, and it was that many persons against whom judgments were rendered, possessed no goods or chattels although they own lands, he therefore thought there should be a power given to parties to *certiorari* such cases into the high courts, in order to obtain execution against those lands.<sup>42</sup>

**Mr. Johnston** said he would take the liberty of making a few remarks upon this question as he had said nothing for a considerable time. (A laugh.) The hon. gentleman who spoke last, had taken occasion to eulogise the commissioners in the district in which he resided; one would think they are almost too good for earth; such immaculate purity is a rare thing. He (Mr. Johnston) had met that hon. gentleman in many parts of the province, and also in the United States, but he had never met him in a Court of Request. He (Mr. Johnston) was in the habit of attending these courts, and he could therefore speak from his own knowledge respecting the proceedings, and the honest conclusion which he had come to was that the court of Requests should be abolished.<sup>43</sup> He should be happy to see the poor man have cheap law, but not too cheap, since that in the long run often proved dear law.<sup>44</sup>

**Mr. Baldwin** said that great complaints existed in his part of the country against the present system. Though in some of the courts competent judges were to be found, yet this was not the rule. One of the evils growing out of the constant communication between suitors and judges in these courts was a serious one. Relying upon that intimacy opinions were frequently obtained before hand what either were or were not supported in the end, and what tended to weaken public confidence by encouraging the impression that justice was not impartially administered. — With a knowledge of these evils he was prepared to support the bill as a whole in the hope that it would obviate the difficulties which at present exist.<sup>45</sup>



**Mr. Hincks** supported the bill and expressed his opinion that justice would never be administered in the Province till a system of Stipendiary Magistrates be introduced.<sup>46</sup> He was also of opinion, that stipendiary magistrates were preferable to our unpaid magistracy.<sup>47</sup>

**Mr. Viger** said in Lower Canada the system of unpaid commissioners of the small courts worked well.<sup>48</sup>

**Mr. Chesley** would not offer any strong opposition, though he was of opinion that some of the *minuita* (sic) required alteration.<sup>49</sup>

**Mr. Merritt** opposed the bill. He had been a commissioner in the District where he lived for 20 years, and had had a full opportunity of judging of the working of the present system. This experience led him to believe that the best arbiters for cases in these courts were those who dwell in the district where the disputants lived. The total expense of the administration of justice in the United Province exceeded £12,000, and the present Bill would add some 5000 or 6000 more. He therefore objected on this ground as well as on several others to which he referred. The Hon. member read an amendment he intended to propose, to the effect that it was expedient to amend the lasting law so far as related to the jurisdiction which is extended to £50, and giving power to appoint a jury at the discretion of the parties, when the sum disputed exceeds £5.<sup>50</sup>

**Mr. Williams** threw much of the evils resulting from the old system on the Executive which did not always appoint the most proper persons as judges in the courts.<sup>51</sup>

**Mr. Durand** thought the bill would require alteration.<sup>52</sup>

**Mr. Thorburn** was decidedly opposed to the measure which was not in accordance with the "well expressed wants and wishes" of the people, who if there were grievances in these courts, had not availed themselves of their right of petition to complain of them. — In his own District he was satisfied that competent persons could be found to preside in these courts at a much less expense than by the appointment of a district judge. With a little care and attention he believed this would be the case in other parts of the province, and that no necessity would exist for change; at the same time he was willing to support the amendments of Mr. Merritt, because he was aware that a desire did exist to extend the jurisdiction.<sup>53</sup> He related to the House an anecdote, which had given rise to much dispute between the government and certain commissioners in his part of the country, and had probably influenced the ministers in bringing in this bill.<sup>54</sup>

**Mr. Boswell** made some observations on the bill and reviewed the objections brought forward by previous speakers before recording his vote in favor of it.<sup>55</sup>

After some remarks pro and con from several members, **Mr. Draper** replied and cited several cases in which the decisions given by the courts had been directly in the truth of the law. He also announced his intention to limit the operation of the bill to three or four years, in order to see how it worked.<sup>56</sup>

The first part of the clause was then put and carried, with an amendment; and the committee proceeded to the consideration of clauses 2, 3, 4, and 5, which were agreed to. On arriving at clause 6, which allows the employment of a deputy under certain circumstances, an exception was taken by **Mr. Baldwin**...<sup>57</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair,

Progress.

And Mr. Holmes reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Sit again on Thursday.

*Ordered*—That the said Committee have leave to sit again on Thursday next.

House in Committee on Board of Works Bill.

The Order of the day for the House in Committee on the Bill to repeal two certain Ordinances therein mentioned, and to establish a Board of Works in this Province, being read,

The House accordingly resolved itself into the said Committee.

**Mr. Merritt** took the chair of the Committee, and after some time spent therein,<sup>58</sup>

**Mr. Day** went through the several clauses of the Bill, and offered a few remarks on each *seriatim*. He called upon the House to pass the Bill as it was presented; and it was needless for him to enter into any argument to prove the necessity of such a Bill, for all acknowledge it.<sup>60</sup>

**Sir Allan MacNab** was willing to admit that, but hoped the Hon. gentleman would not press the Bill at this late hour of the evening. It was one of the most important measures of the Session, and ought not to be hurried through this House, and it was rather too much to require us to go into it tonight. He (Sir Allan) understands, and has no doubt that the gentleman who presides over this establishment is every way qualified, but finds him here also in the capacity of an Executive Councillor. The Bill grants to the President £800 per year, an additional engineer got £500, and a Secretary £400, and each to have their travelling expenses paid. The Bill reads very well, but cannot, in some of its material points, be acted upon. He (Sir Allan) should think the presiding gentleman ought to exercise no other calling. In a clause of the Bill it was proposed to take people's property by legal tender at a supposed value. Thought this an arbitrary measure. Would move an adjournment.<sup>60</sup>

**Mr. Parke.** — How do the ideas of the Hon. gentleman comport with those he advanced the other evening? His conduct on that occasion was very different from that which he now wishes this House to follow. He objects that the President should reside at Kingston, acting in other capacities, and leaving his duty to be done by a deputy. He (Mr. Parke) should like to know, having such numerous duties to perform, how he could act without a deputy? He would have to superintend the whole and be responsible for all. It was a matter of course that the head should reside at some central place, and have sub-superintendants. The Hon. Member for Hamilton objects to travelling expenses being paid. Why, he would ask, should the salaries of the gentlemen employed be extended in that? Again, the learned Knight objects because the works may cost more than estimated for. All Hon. gentlemen connected with public works must know that such things might happen, but much more likely to happen when entrusted to hands who do not understand the business completely. There had been no complaint so general throughout this Colony as the improper way in which the public works had been carried on. Hence the necessity of a Board of Works, responsible to the country. There could be nothing more important than to have works done correctly. A measure of the kind now before us was necessary to the cheapness and permanency of public works, and was urgently demanded.<sup>61</sup>

**Mr. Price** is in favour of the Bill, and will give it his support. Thinks the government should have the power to establish a Board of Works, but he hopes the Hon. Solicitor General will not push the bill tonight, but allow the Committee to rise in order to give time to Hon. Members to become fully acquainted with its details.<sup>62</sup>

**Solicitor General Day** has no wish to push the Bill through tonight, but is desirous of forwarding public business as much as possible, and should therefore like the first clauses to be adopted before the Committee rose.<sup>63</sup>

**Mr. Killaly** — The Hon. Member for Hamilton must know full well that there are many duties that must be done by deputy, and that, consequently, a system of deputies is absolutely required, but the directing Engineer is responsible for all that is done. The gallant Knight objects to the powers granted, but he must know that the responsibility for the proper exercise of those powers is strictly held. Appropriations can only be made by the House in all cases, and it is for it to see that these appropriations are well applied. He (Mr. Killaly) does not pretend that the estimates may be always borne out, but a near approximation will be arrived at. Before any work is undertaken, a careful estimate will be made by disinterested persons, and laid before this Hon. House, by parties having no local interest. After the House has fully considered the necessity of the work, and appropriated funds for the same, its progress will be looked after by the Board.<sup>64</sup>

**Mr. Prince** had no objection to the principle of the bill, and would support it; but he could not see why the doctrine of responsibility should be brought forward on the occasion so prominently. He (Col. Prince) would vote for the principle, but not because there was more responsibility now than ever there was. He should like to know from the hon. member from Middlesex, why he goes so lustily for this bill, when last session he was as strongly opposed to one introduced by him, (Col. Prince.) It was a bill for a Board of Works, not unsimilar to this. But the hon. gentleman's conduct is very different tonight to what it was when he had the honor of introducing a bill for a Board of Works. — There must be some peculiar



influence at work, some change in the atmosphere, as he could not comprehend why the hon. gentleman should start up and so warmly support this bill, when he must recollect his opposition to one of similar character. He (Col. Prince) would ask the hon. members for London and Middlesex where was the responsibility now that did not exist then? Suppose the President fails, what then? — Would the Ministry be broken up? — No, certainly not. The public money would be sacrificed, and that was all. The bill introduced, if supported from this fancied responsibility which hon. gentleman talked so much about, he must say it was a pack of nonsense — a clap-trap to gull fools. He (Col. Prince) would reiterate the fact, that there was no greater responsibility than had always existed, and if there was, he would ask the hon. member from Middlesex to tell him what it amounted to?<sup>65</sup>

**Mr. Parke** would reply to the Hon. Member who had just taken his seat, in a few words. The Government had conceded the principle of responsibility in good faith; and if it fails to keep this faith, then it was for the ultimate action of the country to say what it would do. But if good faith was to be kept, the principle conceded must infuse itself into every department. He (Mr. Parke) is not aware that any Government before this ever pledged its faith to a principle of responsibility, such as this, with an intention to carry it out. Suppose we establish a Board of Works such as this Bill proposes, the officers of it would be responsible to the country and this House. Permit him (Mr. Parke) to ask if this was the case before? Most assuredly not. The Executive appointed whom he pleased, and all was jobbing and speculation; but now this would be completely done away with. There would be no such thing as taking the money of the public, putting it in the pockets of the contractors, and getting the work half done for debt. A great responsibility would rest upon the Officers of this Board of Works, and upon Government who placed them in office.<sup>66</sup>

**Mr. Price** — The question was not whether one particular measure is right or wrong, but had the Government the confidence of the country. Supposing that any particular department should happen to fail, that was no reason why that confidence, if it existed, should be withdrawn. That would be the consequence of the general tendency of their measure, and the spirit of illiberality which they evinced.<sup>67</sup>

**Hon. Mr. Harrison** — The Hon. Member for Essex is exceedingly facetious on Responsible Government. It appeared to him (Mr. Harrison) that it was unfortunate to come out in this way. The same responsibility which he finds so much fault with is the basis of every despatch from the Home Government and the foundation of the present Provincial one.<sup>68</sup>

**Col. Prince** said, if the hon. gentleman for Kingston cannot introduce stronger arguments than these, he had better have remained silent, and he would be satisfied that responsibility and the Board of Works would fall together. He has repeatedly asked hon. gentlemen what this responsibility meant, but no satisfactory answer has yet been given. He again asks what it means, and echo answers what? Responsibility in what, and to whom? The member for London is employed in the Western railroad, for instance; suppose his skill fails, and the whole thing becomes a matter of nullity. Turn him out, says one hon. member; but for his part he ridicules that kind of responsibility. He (Col. Prince) is an advocate for the measure, but not because parties were to be held responsible, for there is none attached to the office, more than any other individual who misconducts himself in any public office — only liable to be indicted if he acts wrong. He, therefore, will repeat that it is all a pack of nonsense.<sup>69</sup>

**Mr. Hincks**. — If the hon. member for Essex is in favour of the measure he takes a curious way of showing it. All are agreed as to the principle and for his part he was in hopes that the measure would have been got through with. He (Mr. H.) perfectly understood that Government measures were to be brought before this house, the present week, and if hon. gentlemen chose to absent themselves on an occasion of this kind, he was not to be told that the house must adjourn in consequence. He (Mr. H.) had some objections to several of the clauses. For instance, he thinks that the President ought to hold no other office. He agreed with the member for Hamilton in this, and thought the President of the Board ought not to be an Executive Councillor, nor even have a seat in the house.<sup>70</sup>

**Mr. Moffatt** considered the explanation of the hon. member from Middlesex unsatisfactory. The principle was certainly the same as it was three years ago. With reference to the observation which had been made that the President of the Board of Works would hold no political situation, he concurred in the opinion that the hon. President should neither be a member of the Executive Council nor of that house, because when petitions for public improvements came



before the house and government, and the application failed, the disappointed party would attribute the failure to the political influence which the hon. gentlemen as a member of the government exercised in that house. On these grounds he conceived the duties should be separated.<sup>71</sup>

**Sir Allan MacNab** was of opinion that the discussion of the measure had done no harm at all. The bill was one of very great importance, and was deserving of special consideration, as he imagined it placed great power in the hands of individuals. He had learned for the first time this evening that a Board of Works was a necessary appendage to responsible government. (A laugh.) Some hon. gentleman had stated that the Board would be responsible for the correctness of its estimates, &c. and these were not to be depended upon under the old system. Now he believed that the hon. gentleman who filled the office of President of the Board was a gentleman of high attainments in his profession. With respect to the travelling expenses in addition to the high salaries of the others of the Board of Works, he would call to the memory of the hon. member for Middlesex, his (Mr. Parke's) opposition in the Upper Canada House of Assembly to the allowance of the travelling expenses to the Judges, whose salary amounted only to £900 a year, and whose travelling expenses did not exceed £50. The connection of the President of the Board with the Government and the house placed in his hands a power to which he (Sir Allan) would not assent. If he (Sir A.) were to bring a bill into that house for some public improvement in his section of the country, the hon. President was politically opposed to him, and he was the officer on whom Executive relied for correct information, what would be the fate of the measure if the hon. gent. should think proper to oppose it as emanating from me? The bill was of great importance, and he hoped it would not be pushed through the house without giving hon. members an opportunity to express their opinions in regard to its provisions.<sup>72</sup>

**Mr. Johnston** could not sympathise with those who had taken upon themselves the harness of responsible government. He did not pity any man who held situation under the humbug system of responsible government. What responsibility is there in the office of the President of the Board of Works? He could see none, save that his reputation; as that of every hon. man, was at stake in the conduct of it.<sup>73</sup>

**Mr. Viger.** — Much has been said about the responsibility attached to the office, but in my opinion there is no responsibility at all.<sup>74</sup>

**Capt Steele** would confine himself entirely to the question. The objection of the hon. and gallant knight from Hamilton he really thought was not tenable. The President of the Board of Works should in his opinion be in that house, and also in the Executive Council, as one to whom reference can constantly be made, and who would be enabled by his connection with the Legislature to proceed in the examination and report upon the propriety of applications for public works without so much being said about them. One of the advantages connected with this Board was, in his opinion, that we should see no more jobbers and interested individuals hanging round commissioners and giving them rest neither day nor night until they would get a slice of the cake. We should have no more of these things under the new system, and he trusted for the benefit of the province that it would be adopted.<sup>75</sup>

**Mr. Duggan.** — The question, in my opinion, involves the principles of Responsible Government, and the House should understand what control there will exist over the Board, and how it is to be exercised. I hope the house will look seriously into the matter before coming to a decision on the bill.<sup>76</sup>

**Mr. Day** moved that the chairman leave the chair, report progress and ask leave to sit again....<sup>77</sup>

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Mr. Speaker resumed the chair,

Progress.

And Mr. Merritt reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Sit again on  
Thursday next.

*Ordered* — That the said Committee have leave to sit again on Thursday next.

Then on motion of Mr. Price, seconded by Mr. Boutillier,  
The House adjourned.

Footnotes — 20 July 1841.

1. KINGSTON CHRONICLE, 24 July 1841.
2. IBID.
3. IBID.
4. The discussion arising from this motion was reported in : KINGSTON CHRONICLE, 24 July 1841 ; EXAMINER, 28 July 1841, carrying the same report as that of KINGSTON CHRONICLE, 24 July 1841.
5. KINGSTON CHRONICLE, 24 July 1841.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. The debate arising from this question was reported in : KINGSTON CHRONICLE, 24 July 1841 ; the identical report in the KINGSTON CHRONICLE of this date was printed in : MONTREAL GAZETTE, 26 July 1841 ; EXAMINER, 28 July 1841 ; LE CANADIEN, 30 July 1841, in translation. Another report was found in : BRITISH COLONIST, 28 July 1841 ; commentaries are found in : LE CANADIEN, 23 July 1841 ; WESTERN HERALD, 4 August 1841.
12. KINGSTON CHRONICLE, 24 July 1841.
13. IBID.
14. BRITISH COLONIST, 28 July 1841.
15. KINGSTON CHRONICLE, 24 July 1841.
16. IBID.
17. BRITISH COLONIST, 28 July 1841.
18. KINGSTON CHRONICLE, 24 July 1841.
19. IBID.
20. BRITISH COLONIST, 28 July 1841.
21. KINGSTON CHRONICLE, 24 July 1841.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. BRITISH COLONIST, 28 July 1841.
35. WESTERN HERALD, 4 August 1841.
36. BRITISH COLONIST, 28 July 1841.
37. WESTERN HERALD, 4 August 1841.
38. This debate was reported in : KINGSTON CHRONICLE, 24 July 1841 ; BRITISH COLONIST, 28 July 1841 ; WESTERN HERALD, 4 August 1841.
39. KINGSTON CHRONICLE, 24 July 1841.
40. BRITISH COLONIST, 28 July 1841.
41. KINGSTON CHRONICLE, 24 July 1841.
42. IBID.
43. IBID.
44. WESTERN HERALD, 4 August 1841.
45. KINGSTON CHRONICLE, 24 July 1841.
46. IBID.
47. WESTERN HERALD, 4 August 1841.
48. IBID.
49. KINGSTON CHRONICLE, 24 July 1841.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. WESTERN HERALD, 4 August 1841.
55. KINGSTON CHRONICLE, 24 July 1841.
56. IBID.
57. IBID.
58. This debate was reported in : KINGSTON CHRONICLE, 24 July 1841 ; the same report found in KINGSTON CHRONICLE, 24 July 1841, was printed by : EXAMINER, 28 July 1841 ; MONTREAL GAZETTE, 27 July 1841. The BRITISH COLONIST, 28 July 1841, contains a brief note on the debate ; the WESTERN HERALD, 4, 11 August 1841 notes the debate as well. The KINGSTON CHRONICLE is very illegible in most sections of the report of this debate and so papers copying its report are cited instead for most speakers.
59. MONTREAL GAZETTE, 27 July 1841.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. IBID.
65. WESTERN HERALD, 11 August 1841.
66. MONTREAL GAZETTE, 27 July 1841.

67. IBID.
68. IBID.
69. WESTERN HERALD, 11 August 1841.
70. EXAMINER, 28 July 1841.
71. IBID.
72. IBID.
73. KINGSTON CHRONICLE, 24 July 1841.
74. IBID.
75. IBID.
76. IBID.
77. IBID.



## Wednesday, 21 July 1841.

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*Petitions brought up.*

The following Petitions were severally brought up and laid on the table : —

A. Todd, T. Patrick,  
and C. FitzGibbon.

By Mr. Cartwright — The Petition of *Alfred Todd, Thaddeus Patrick* and *Charles Fitzgibbon*, Clerks in the office of the Clerk of the Legislative Assembly.

Jos. B. Clench.

By Mr. Parke — The Petition of *Joseph B. Clench*, Chairman of the Quarter Sessions of the District of *London*.

David Annis.

By Mr. Small — The Petition of *David Annis*, of the Township of *Whitby*.

Geo. Adams, and  
others.

By Mr. Merritt — The Petition of *George Adams*, and others, Trustees to Macadamize the Main Road from *Queenston* to *Grimbsy*.

C. S. Ruttan  
and others.

By Mr. Baldwin — The Petition of *C. S. Ruttan*, and others, of the Townships of *Eldon*, *Maripossa*, and other places.

Male Orphan Asylum  
of Quebec.

By the Honorable Mr. Daly — The Petition of the Ladies, Managers of the Male Orphan Asylum of *Quebec*.

Marcus F. White-  
head & others.

By Mr. Williams — The Petition of *M. F. Whitehead*, and others, members of the Mechanics' Institute at *Port Hope*, in the District of *Newcastle*.

*Petitions read.*

Pursuant, to the Order of the day the following petitions were read :

Of Hon. J.  
McGillivray.

Of the Honourable *J. McGillivray*, and others, of the *Eastern* District, praying that a law may be passed to settle, by a more easy mode than now exists, the damages done to properties overflowed by the erection of mill-dams.

Of A. Weilbreuner.

Of *P. A. Weilbreuner*, of *Montreal*, praying to be paid the amount of his account for taking evidence as clerk, relative to the contested election of *Oliver Berthelot*, Esquire, for the *East Ward* of the City of *Montreal*, in 1835.

Of Rev. Edward  
Black & others.

Of the Reverend *Edward Black*, and others, of the City of *Montreal*, praying for the establishment of Schools in the Province, and the general use of the Bible in Schools.

Of Christr. Cheyne  
& others.

Of *Christopher Cheyne*, and others, of the Township of *Toronto*, praying for an aid of £75, to construct a Bridge over the *Etobicoke* stream.

Of James Clark and  
others.

Of *James Clarke*, and others, inhabitants of the Township of *Caledon*, praying for an aid to open a road through their Township.

Of James Gillespie  
& others.

Of *James Gillespie*, and others, inhabitants of *Caledon*, praying for an aid to repair the road between *Caledon* and *Albion*.

Of J. B. Phillips  
and others.

Of *J. B. Phillips*, and others, inhabitants of the Townships of *Toronto*, *Chinguacousey*, and *Gore* of *Toronto*, praying for a grant of £100, to cut down two hills between the centre road and the 1st Concession *East*.

Of William Light  
and others.

Of *William Light*, and others, inhabitants of the District of *Brock*, praying for an aid to make a road from *Hamilton* to *London*.

Of F. McKay  
and others.

Of *F. McKay*, and others, Justices of the Peace, of the intended District of *Dalhousie*, praying for a loan of £5,000, on the credit of the Province, and the security of the rates and assessments of the said District.

Of C. C. Grece  
and others.

Of *C. C. Grece*, and others, whose lands are intersected by the *Grenville* Canal, praying to be remunerated for damages occasioned by the principal Officer of Her Majesty's Ordnance, to their properties.

Message from  
Legislative Council.

A Message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery.

The Hon. Messrs.  
Caron & Pemberton  
not present Hon. Jas.  
Fraser has leave to  
attend the Select  
Committee.

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*Ordered* — That the Master in Chancery do go down to the Legislative Assembly and acquaint that House, that the Honourable Messieurs *Caron* and *Pemberton* are not present in their places to-day, but that the Legislative Council do give to the Honourable Mr. *John Frazer*, (he being present) leave to attend the Select Committee of that House, to whom is referred the Petition of *John William Woolsey*, and others, of the City of *Quebec*, praying to be restored to their elective franchise, on *Wednesday* and *Thursday* next, at ten o'clock in the forenoon, to be examined on the subject of the said reference, if he think fit.

And also,

LEGISLATIVE COUNCIL, 21st JULY, 1841.

Evidence on which  
the Assembly passed  
the Bill to prevent  
failure of Justice in  
late Election in L. C.

*Ordered* — That the Master in Chancery do go down to the Legislative Assembly and acquaint that House, that the Legislative Council request that they will be pleased to communicate to the Legislative Council the evidence upon which they passed the Bill entitled "*An Act for preventing any failure of Justice in respect of complaints of undue elections or returns of members of the Legislative Assembly of this Province, at the last General Election.*"

And then he withdrew.

Answer given to  
Master in Chancery.

The Master in Chancery was then called in, and informed by Mr. Speaker, that this House will send an answer by Message.

Certain Crown Land  
Accounts presented.

The Honourable *D. Daly*, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General, the Accounts current of the Crown Land Department of Upper Canada, to 7th June, 1841.

For the said Accounts, see Appendix (K.)

Statement of certain  
Moneys expended in  
Gaspé presented.

The Honourable *D. Daly* presented, pursuant to an Address of the House of Assembly, of the 30th of *June* last, a Statement of the money appropriated for and expended in the District of *Gaspé*, from the year 1835, to the year 1840, both inclusive.

For the said Statement, see Appendix (N.)

Committee on Turn-  
pike Trusts, *Gore*  
District, reports bill,  
which is received  
and read 1st time.

Mr. *Durand*, from the Select Committee appointed to report upon the Turnpike Trusts in the *Gore* District, by Bill or otherwise, presented to the House a Bill to repeal a certain Section of an Act of the Legislature of *Upper Canada*, relative to macadamized roads, which was received and read for the first time.

Second reading  
on Monday.

*Ordered* — That the said Bill be read a second time on *Monday* next.

Call of House at  
3 o'clock P. M.  
To-morrow.

On motion of Mr. *Boswell*, seconded by Mr. *Holmes*.

*Resolved* — That the names of the members of this House, that are now in *Kingston*, be called over on to-morrow, at 3 o'clock, P. M.

Number of Members  
eligible to serve on  
Election Committees,  
insufficient.

*Resolved* — That the number of members of this House who have not served on an Election Committee, for the trial of a controverted election, during the present Session, is insufficient to fulfil the purposes of the Law.

Motion for Speaker  
to issue his warrant  
for new writ of  
Election for *Hastings*,  
in room of  
*R. Baldwin*, Esq.

Sir *Allan McNab* moved, seconded by Mr. *Woods*,

That Mr. Speaker do issue his warrant to the Clerk of the Crown in Chancery, to make out a new writ for the election of a member to serve in this present Parliament, for the County of *Hastings*, in the room of *Robert Baldwin*, Esquire, who, since his election for the said

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County, hath accepted the Office of one of His Excellency, the Governor General's Council.<sup>1</sup>

**Mr. Baldwin** was speaking to this motion when the Reporter entered the house. The appointment, Mr. Baldwin said, had been gazetted, and was perfectly well known to have taken place by the constituency which elected him. His acceptance of that office was communicated to His Excellency in writing, and so far as the salary was concerned, he had enjoyed (as the hon. and learned Knight had expressed it) the profits and emoluments arising from that office from a period antecedent to the time of presenting himself before the electors. Mr. Baldwin also cited precedents to show that the entering upon office had been taken to commence from the time when acceptance was signified, either by kissing of hands, or any action by which an officer signifies his assent. The kissing of hands not being practised in this Province, he considered the circumstance of the gazetted of the appointment, and the acceptance having been communicated to His Excellency was sufficient. Mr. Baldwin instanced the case of the Governor of the Isle of Wight, who, after receiving the notification of his appointment to that station, and before the patent was issued, was elected to a seat in the House of Commons. The issuing of the letters patent was considered a matter of form only, as completing the appointment which had already taken place.<sup>2</sup>

**Mr. Boswell** said he hoped before the question was put that the matter would be more fully argued upon the position taken up by the hon. and learned Knight. He (Mr. Boswell) for one had no hesitation in awarding to the hon. and learned Knight great praise for the extreme solicitude which he had shown to uphold the liberties and privileges of the house. They must all feel greatly indebted to him for the care he had displayed in preserving the house from all difficulties in which they were likely to be involved. He (Mr. Boswell) certainly thought the Governor General should appoint the hon. and learned Knight to office, being a very prominent individual in the ranks of the opposition. But he apprehended the gallant Knight would in such case draw a very marked distinction between the appointment to office and the acceptance. (Hear, hear, hear.) With regard to the return of Mr. Baldwin as a member of that house, at the time when that took place it was perfectly well known to the electors that he held the office of Solicitor General, whether that of Executive Councillor or not. He thought, therefore, the nice distinction now drawn between the appointment and acceptance of the latter office was of very little consequence.<sup>3</sup>

**Sir Allan MacNab** said he supposed the hon. gentleman would have been as anxious as himself that his point should be decided. It was the desire of the committee of which that hon. gentleman was a member. The question was not whether he (Sir Allan) was a suppliant for office, or whether that hon. gentleman himself was so; it was the desire of the select committee upon the election trial for Hastings that the question should be propounded to the house as to what should be considered acceptance of office. He (Sir Allan) was of opinion that until the oath of office had been taken the hon. gentleman could not be in full possession of that office.<sup>4</sup>

**Mr. Cartwright** expressed his concurrence in this opinion.<sup>5</sup>

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Motion lost.

The question having been put upon the said motion, a division ensued, and it passed in the negative.

On motion of Mr. *Hincks*, seconded by Mr. *Price*.

House to go into Committee, on Wednesday next on Mutual Insurance Company Act of U. C.

*Resolved* — That this House will, on *Wednesday* next, resolve itself into a Committee of the whole House, to take into consideration the expediency of amending a certain Act of the Parliament of the late Province of *Upper Canada*, intituled "*An Act to authorize the establishment of Mutual Insurance Companies in the several Districts of the Province.*"

Order of the day Judicature of Gaspé revived.

On motion of Mr. *Christie*, seconded by Mr. *Armstrong*,

*Ordered* — That the Order of the day for the House in Committee, to take into consideration the expediency of altering and amending the Judicature Acts relating to the Inferior District of *Gaspé*, lost by the adjournment of the House of yesterday, be revived, and that this House will, on *Friday* next, resolve itself into the said Committee.

Addition to Committee on petition of P. A. De Gaspé.

*Ordered* — That Mr. *Taché*, Mr. Attorney General *Ogden*, Mr. *Berthelot* and Mr. *Quesnel*, be added to the Special Committee to which was referred the Petition of *Philippe Aubert De Gaspé*, late Sheriff of the District of *Quebec*.



Order of day for  
com. of whole on  
Ordinance of Special  
Council relating to  
Taverns, revived.

On motion of Mr. *Delisle*, seconded by Mr. *Neilson*,  
*Ordered* — That the Order of the day, for the House in Committee, to consider the expediency of amending in part an Ordinance of the Special Council of the late Province of *Lower Canada*, 4 VIC. Cap. 42, intituled "*An Ordinance to repeal and to render permanent, as amended, a certain Ordinance therein mentioned, relative to Taverns and Tavern Keepers, and to make further provision relative to the same subject*," lost by the adjournment of the House of yesterday, be revived, and that this House will, on Wednesday next, resolve itself into the said Committee.

Order of day for  
second reading Ballot  
Bill, revived.

On motion of Mr. *Small*, seconded by Mr. *Baldwin*,  
*Ordered* — That the Order of the day, for the second reading of the Bill to authorize the Voting by Ballot, lost by the adjournment of the House of yesterday, be revived, and that the said Bill be read a second time on *Friday* next.

Members seats vaca-  
tion Bill read 2nd  
time.

A Bill to enable members of the Legislative Assembly, for places within that part of the Province formerly constituting the Province of *Upper Canada*, to vacate their seats in certain cases, and for other purposes, was, according to Order, read a second time.

House in Com-  
mittee on said Bill.

*Ordered* — That the said Bill be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.  
Mr. *Simpson* took the chair of the Committee.<sup>6</sup>

Mr. *Small* upon moving for the adoption of the enacting clause of the bill, observed that he thought it was important that the members of that house should have the power to vacate their seats whenever they desire to retire from public life, or when their constituents might call upon them to retire. He (Mr. *Small*) having been called upon at the hustings to say whether he would retire in case he did not give them satisfaction, had stated that he would do so when he found that they felt no further confidence in him. If called upon he would be most happy to avail himself of this law. (Hear, hear, hear.)<sup>7</sup>

Mr. *Neilson* said he would not vote against this bill, although he had been opposed to a similar bill in *Lower Canada*. — He believed it was unconstitutional.<sup>8</sup> The sound English system was, to hold their seats up to the end of that term for which they had offered themselves — the close of the Parliament; besides, he remembered very well, that this kind of permissive vacating of seats, was productive, at one particular period, of much mischief in *Lower Canada* — a number of elections having taken place there, in consequence, that produced, for the time being, much agitation.<sup>9</sup>

Mr. *Baldwin* said one strong reason for the passing of this bill he thought was, that at present the power of vacating seats in that house rests entirely with the gentlemen occupying the treasury benches, by appointing a member whom they desire to remove from the floor of the house, to some office. But we who breathe the uncongenial atmosphere of the opposition side of the house, have no such power.<sup>10</sup>

Mr. *Harrison* said after the facetious observations which had fallen from the hon. and learned gentleman, he would merely say he had not the least objection to allow the opposition the privilege which the hon. and learned gentleman claims for them. He was perfectly willing to meet the views of the hon. gentleman, and to allow to all sides of the House a fair field, and fair play.<sup>11</sup>

Mr. *Derbishire* agreed with the Hon. Member for Quebec (Mr. *Neilson*) in thinking this Bill unconstitutional. Because the hon. gentleman who introduced the Bill had given a pledge to his constituents — a pledge very appropriate perhaps under the circumstances — that he would resign when they required it, was that any reason for his drawing all other Members, who had made no such pledge, into the same predicament. The working of this measure, as he had understood its author, was to be, that when any constituency required the resignation of the electoral trust into their hands, the Representative of that Constituency should act upon the suggestion, and vacate his seat in the Assembly. If this was the object of the Bill, there was needless circumlocution in its provisions. The shorter plan would be to give

at once to the constituencies themselves the power of vacating the seats of their Representatives, and of compelling at the same time the Crown to issue a new writ. (Hear.) This would, indeed, be something like reversing the monarchical order of proceeding under a Representative system, for it places the power of calling a new Election in the Constituencies, and not in the Crown; but, he understood the Bill before the House, this, or something closely bordering upon it, would be its practical operation, as it was its professed principle. This was not the practice of the British Parliament, nor the principle of the British Constitution; and at a time when we were entering upon new principles, and an untried path in Parliamentary Government, we ought to be cautious in casting down those ancient landmarks by which only perhaps could we hope safely to prosecute our course. For his own part he approved of no man sitting in Parliament when his Constituents had entirely lost confidence in him. He would not do so himself. But these cases rarely arose, and required no Legislative interference, the only effect of which might be to suggest to the Constituencies the advantages of keeping up the Election contest after its natural close, until a majority can be obtained to call upon the seated Member to retire.<sup>12</sup>

**Mr. Viger** said he believed it would be as well to adopt the English practice in this respect. As a man might be elected against his will, and compelled to serve, it was not right that he should be displaced abruptly.<sup>13</sup> **Mr. Viger** said, that the plan was similar to that of accepting the Chiltern Hundreds.<sup>14</sup>

**Mr. Cartwright** said in order to follow English practice completely, it would still be necessary to pass a Bill. There was a certain Island called Snake Island, the representation of which might be accepted by an hon. Member changing, however, the name to *Sneak* Island, to make it more appropriate; it would answer very well for the chiltern hundreds.<sup>15</sup>

**Mr. Dunn** said he approved of the Bill. It would give him great pleasure to resign whenever those who put him in should require his resignation.<sup>16</sup>

**Mr. J. S. Macdonald** hoped the Bill would pass. He thought those who had mistaken their proper sphere of action by becoming Members of that House, ought to have an opportunity of mending their mistake.<sup>17</sup>

**Mr. Cameron** said it should be confined to Lawyers.<sup>18</sup> ((He)) hoped that the bill did not contain a clause compelling members to vacate.<sup>19</sup>

**Mr. Chesley** said he was prepared to support the bill. Whenever a man was desirous of returning to his constituents and declaring to them that he is unable to perform the duties of the situation, he should be allowed to do so; he thought, however, such instances would be rare. On the other hand, he was of opinion that by allowing the Constituencies of Hon. Members to decide when they should withdraw from that House, would have the effect of keeping the poll open, not for a week; as by law very properly provided, but for the whole four years.<sup>20</sup>

**Mr. Thorburn** said he would like to know when it was intended, that the Bill should go into effect; because if it be in the present Session — during the continuance of the contract entered into between hon. Members and their constituents, — The next question would be, might it not be considered an *ex post facto* law. (A laugh.)<sup>21</sup>

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and after some time spent therein,

M. Speaker resumed the chair,

Bill reported  
amended.

And **Mr. Simpson** reported, that the Committee had gone through the Bill, and had made an amendment thereto, which amendment was again read at the Clerk's table, and agreed to by the House.

Bill as amended  
to be engrossed.

*Ordered* — That the said Bill as amended be engrossed.

Order of day for 2nd  
reading Municipal  
Bill postponed.

The Order of the day for the second reading of the Bill to provide for the better internal Government of that part of this Province heretofore *Upper Canada*, by the establishment of local or Municipal authorities therein, being read,

*Ordered* — That the said Order of the day be postponed until *Tuesday* next.

Victoria College Bill  
read 2nd time and  
ordered to be  
engrossed.

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A Bill to incorporate the *Upper Canada Academy*, under the name and style of "*Victoria College*," was, according to order, read a second time.

**Mr. Boswell**, who had introduced the measure, said, that the establishment had been founded by the Society of Methodists, in the town he had the honour to represent. It was an excellent establishment, had given a good education to many, and the school building was a credit to the town: it was chartered by William IV, and desired to be erected into a College, to be called Victoria College, with the power of conferring degrees similar to other Colleges.<sup>22</sup>

A few farther (sic) remarks ... ((were made.))<sup>23</sup>

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*Ordered* — That the said Bill be engrossed.

House goes into  
Committee to consider  
the matter of  
providing for taking  
periodical Census.

The Order of the day for the House in Committee to take into consideration the expediency of making provision for taking a periodical Census of the inhabitants of this Province, and obtaining other statistical information, being read,

The House accordingly resolved itself into the said Committee.

The Honourable Mr. *Moffatt* took the chair of the Committee,

**Mr. Day** made a few remarks upon the bill, which was to subvert the present defective system, and embrace statistics as well as numbers.<sup>24</sup>

Among other advantages that will be derived from this, said **Mr. Thorburn**, it will enable the emigrant, upon landing in this colony, by reference to ascertain, which districts contain the greatest portion of settlers — an important consideration.<sup>25</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair,

And the Honourable Mr. *Moffatt* reported that the Committee had come to a resolution, which resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth :

Resolution for  
making provision for  
obtaining periodical  
Census, &c.

*Resolved* — That it is expedient to repeal those parts of an Act of the Legislature of the late Province of *Upper Canada*, passed in the 5th year of the reign of His Majesty WILL. IV., Cap. 8, and of any other Acts of the Legislature of the late Province of *Lower Canada*, which provide for taking an enumeration of the inhabitants of the said Provinces, or either of them, or relate to the obtaining of statistical information therein, and to make provision for taking a periodical census of the inhabitants of this Province, and for obtaining other statistical information therein.

*Ordered* — That Mr. Solicitor General *Day* have leave to bring in a Bill to repeal certain parts of an Act therein mentioned, and to provide for taking a periodical census of the inhabitants of this Province, and for obtaining other statistical information therein mentioned.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

Census Bill brought  
in and read first time.

Second reading  
tomorrow week.

*Ordered* — That the said Bill be read a second time, to-morrow week.

North American  
Colonial Association  
Bill read 2nd time.

A Bill to authorize the *North American Colonial Association of Ireland* to loan money's, and to prosecute certain public works in the county of *Beauharnois*, was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Friday* next.

The Order of the day, for the House in Committee on the Bill to enable Religious Societies, of all denominations of Christians, to hold the lands requisite for certain purposes therein mentioned, being read,



House goes into  
Committee of whole  
on Religious Societies  
Lands Bill.

Bill amended and  
agreed to by  
the House.

House goes into  
Committee on Bill for  
payment of claims.

The House accordingly resolved itself into the said Committee.

Mr. Noel, took the chair of the committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Noel reported, that the committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table and agreed to by the House.

*Ordered* — That the said Bill, as amended, be engrossed.

The Order of the day, for the House in Committee on the Bill to amend and enlarge an Act of the Legislature of the late Province of *Upper Canada*, entitled "*An Act to ascertain and provide for the payment of all just claims arising from the late Rebellion and Invasion of this Province*," being read,

The House accordingly resolved itself into the said committee.

Mr. Turcotte took the chair of the Committee.<sup>26</sup>

Col. Prince informed the House, that the present bill had been introduced by him simply to extend the time allowed for the Commissioners to sit, to twenty-eight days instead of fourteen. He contended that it was high time that the parties should be indemnified, a further delay reflecting only greater discredit upon the power which withheld it. The provisions of the bill, he maintained, (as a professional opinion,) included all claims: he also dwelt with much emphasis, upon the loyalty, hardships and noble disinterestedness of those for whom he proposed the present alteration in the law, and trusted, that the good sense of the House would enable it to come into action, with as little delay as possible.<sup>27</sup>

A desultory conversation took place on the subject, in which Mr. Baldwin moved an amendment to the bill to the effect that the losses should be divided into — 1, the loss of the arms, 2, violence of soldiers or militia, 3, property taken possession of by regular troops or others, with or without the consent of the parties.<sup>28</sup>

Mr. Johnston hoped, that Mr. Baldwin's amendment, was not going to saddle the country with every ox or ass, or rusty old musket, or leaky boat, that might be claimed for, as having been seized upon or destroyed, in the days of our grandfathers.<sup>29</sup>

Mr. Boswell said he would protest against the principle advanced by several hon. gentlemen on the floor of this house. He maintained that all losses of this character ought to be sustained by the mother country: it was preposterous to think of this country being saddled with these expenses. When the Legislature passed this bill, it is said that the class of persons intended to be remunerated were specified, and it would be unfair now to introduce others — it would defeat the object of the bill. He could not agree with the hon. member for Essex that the measure ought to be confined to the class of persons contemplated, if that were circumscribed, but if £40,000 was not enough, more must be had. He (Mr. B.) thought that sum ought to be shared among all.<sup>30</sup>

Sir Allan MacNab had no objections whatever to have all claims paid, but he would resist the introduction of new claims. If £40,000 would not cover the whole of the losses, the legislature must be again applied to, but it would be unfair to take any part of that sum already appropriated, as it were, and divide it among others. The argument of the hon. member for Northumberland had been repeated five thousand times, but he was of opinion still, that the bill ought to be passed as introduced; and let other claims, if there be any, stand upon their own merits. He (Sir A.) would oppose the amendment, as its object was to have Commissioners sit twice, and take the money from one set and give it to another. It will be seen from the bill that it was contemplated a greater sum might be required. It must be known there are a great number of persons in Lower Canada who have been immense sufferers, and these have not been considered at all. It would be as just to introduce them, and thereby reduce the amount of remuneration which each would receive to a trifle, as to bring in other claimants into this section of the Province now.<sup>31</sup>

Mr. Parke. — The hon. gentleman who has just spoken has a very great sympathy for a certain class of persons, yet he seems to have very little regard for another, who no doubt were equally unjustly dealt with. He would even shut them out from the benefit of common law. A great deal has been said about taking from one to give to another, but in his (Mr. Parke's)

opinion equal justice ought to be done to all Her Majesty's subjects. This is ((a)) true principle, which ought to be considered, carried out, and preserved. It would be much better to give ten or fifteen shillings to each than to leave some without remuneration at all. There is nothing so unjust as an exclusive law, and he would oppose every attempt approaching to partiality. Let the claims be carefully examined, and an equitable appropriation made. If there was not enough of funds to liquidate the whole of them, then apply for more. But in the meantime let equal justice be extended to all.<sup>32</sup>

**Sir Allan MacNab** thinks it exceedingly unfair that after claims have been enquired into, and a bill passed and become a law, that hon. gentlemen should now wish to introduce new matter. The other side of the house would say, this cannot be. Here are certain sums granted, and no alteration can be made. If hon. gentlemen succeed in their amendment, it would only be the means of causing the whole thing to fall through.<sup>33</sup>

**Mr. Hincks.** — The hon. member for Middlesex has anticipated what he (Mr. Hincks) meant to say on this subject. The member for Hastings only desired to receive other claims under the act. He himself was aware of the existence of other claims; although the aggregate was not great, but yet if they were passed by without notice much individual hardship would be the consequence. He (Mr. Hincks) wished the amendment recognized, and if the amount already appropriated was not enough, then apply for more. Any person not coming in then would be forever excluded. The hon. member for Bonaventure is mistaken. There was no particular claim decided upon — no one settled to the exclusion of all others. They must be ascertained and determined by the Commissioners.<sup>34</sup>

**Captain Steele** said that he as a magistrate was called upon to furnish volunteers to relieve Toronto. Well, every one in that city was to be paid the utmost farthing, even £50 for wine, yet inn-keepers in the back country who might have furnished a glass of spirits were to have no pay at all, and many of them to this hour had never got any thing for refreshments &c., afforded to the Militia troops. The bill ought to cover every legitimate claim, but the further from the centre the less justice was obtained. Claimants will have to dance attendance some fifteen or sixteen times, and the same story was generally told them, viz; no funds to cover these claims. He (Capt. Steele) would call the late act a law of partial justice, which in his opinion ought not to obtain.<sup>35</sup>

**Mr. Cook** had opposed the bill before and would oppose it now, because it was unjust to the people of Upper Canada to require them to pay tavern bills; a line of demarcation ought to be drawn between them, and remuneration for losses.<sup>36</sup>

**Mr. Hamilton.** — The member for Oxford did not understand his objection. The question was, the hon. member for Hastings brought in a partial amendment leaving out all the sufferers in Lower Canada, and adding to those of Upper Canada. He objected to take away £40,000 already voted for a specific purpose and give it to other persons not contemplated by the law. To do this would in his (Mr. Hamilton's) opinion be to commit an act of great injustice, by taking away what was granted and sanctioned in the Imperial Parliament.<sup>37</sup>

**Mr. Boswell** thought that hon. members on the floor of this house were as capable and as competent to judge of the nature of the act as the members on the treasury benches.<sup>38</sup>

**Sir Allan MacNab.** — The hon. gentleman from Northumberland may yet occupy the treasury benches, but he was not there now, although he will not take upon himself to say how soon he may be. If it depends upon the hon. gentleman, he thought it likely he would take his seat there before long.<sup>39</sup>

**Mr. Secretary Harrison** was always ready to answer any question, but he thought it strange to ask him to put a construction upon an act of Parliament.<sup>40</sup> ((He)) said, that £40,000 had been allotted by the Government, as an indemnity for claims set up, which, as he was desirous should mean all claims, he saw no reason to oppose the amendment. A word, as regards the claimants, said the learned Secretary — I think it is not just to treat those with indifference, whose services in the hour of need, were found indispensable and invaluable.<sup>41</sup>

**Mr. Moffatt** thought the suggestion of the surveyor general ought to be adopted — if there were not funds enough they should get more ; but he (Mr. M.) did not think it right to introduce new matter. The bill as already passed was a guarantee — an act if not interfered with, which would go immediately into operation. If claims have been left out and cannot be included, of course they will be ; but to force them, in his opinion, was not right. The member for Essex proposes that another act should be brought in if necessary, but the one already in being should not be touched. He (Mr. M.) perfectly concurred in this opinion. The assurance that claims would be settled was all that was wanted.<sup>42</sup>

**Mr. Thorburn.** — If hon. members interfere with this act, they would be doing injustice. If new claims were introduced, the Commissioners could not take cognizance of them at all. Their oath would not allow them. The plan proposed by Mr. Moffat (sic) was the correct one, and he (Mr. Thorburn) certainly thought if new claims were introduced the bill would be rendered a nullity. If there were any other claims than those contemplated, bring in another bill, but do not meddle with the existing one.<sup>43</sup> Among other observations, Mr. Thorburn remarked, that it devolved upon the Executive, to adjudge the claims that were brought forward.<sup>44</sup>

**Mr. Small** could see no possible reason why we should not declare more distinctly what kind of claims were to be admitted, or came within the provisions of the act, and this is all the amendment contemplated. He (Mr. Small) was acquainted with several people whose houses were entered and five or six stand of arms taken away. He believes the act contemplates paying them, but he desires the house to say so, as it is not specially stated in the act, and surely we cannot be guilty of so manifest injustice as will certainly take place if this amendment is not carried. The Commissioner in such an event would say to many claimants, your case does not come within the act. He (Mr. Small) would be most happy to vote compensation to the Lower Canadians. They have as good a right to the indemnity as any other. The simple question is whether we shall extend the operation of the act so as to do injustice to none.<sup>45</sup>

(215)

and after some time spent therein,

Bill amended.

Mr. Speaker resumed the chair,  
And Mr. *Turcotte* reported that the Committee had gone through the Bill, and had made an amendment thereto, which amendment was again read at the Clerk's table, as followeth : —

Amendment.

Add to the Bill the following clause : — “And be it enacted that “the powers vested in, and duties required of the said Commissioners “under the said Act, shall extend to enquire into all loss sustained by “Her Majesty's subjects and other residents within that part of this “Province to which the said Act extends, from the first breaking out “of the said Rebellion to the passing of the said Act ; and the several “claims and demands which have accrued to any such persons by such “losses in respect of any loss, destruction, or damage of property occasioned by violence on the part of persons in Her Majesty's service, “or by violence on the part of persons acting, or assuming to act, on “behalf of Her Majesty, in the suppression of the said Rebellion, or for “the prevention of further disturbances ; and all claims arising under “or in respect of the occupation of any houses or other premises, by “Her Majesty's Forces, either Imperial or Provincial.”

*Ordered* — That the question of concurrence be now put upon the said amendment.

And the said amendment having been again read, and the question of concurrence being put thereon, a division ensued, and it was carried in the affirmative.

*Ordered* — That the said Bill, as amended, be engrossed.

The Order of the day for the House in Committee on the Bill to enable the Ministers of all denominations of *Christians* to solemnize Marriage under certain restrictions, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Johnston* took the chair of the Committee.<sup>46</sup>

House in Committee  
on bill to enable  
all denominations to  
solemnize marriage.



**Mr. Williams** explained the object of the bill.<sup>47</sup>

**Mr. Boswell** said he regarded the bill as being one of importance; he looked upon it as an evidence of the extension of liberal opinions. But in point of liberality, it was still far behind the law which prevails in Great Britain. There marriage was no longer looked upon as a religious ceremony. It was only necessary to repeat in the presence of certain witnesses a form of words, such as, I, A. B. take thee, C.D. to be my wedded wife &c. and the ceremony is complete. The bill was one, however, which met his decided and hearty concurrence.<sup>48</sup>

**Col. Prince** said he was in favor of the bill; but he would like to be enlightened by the hon. and learned gentleman from the south riding of the county of Northumberland, as to what description of ministers of religion in England are entitled to perform the marriage ceremony in this manner.<sup>49</sup>

**Mr. Boswell.** All.<sup>50</sup>

((**Mr. Prince.**)) Surely the hon. and learned gentleman does not mean to say this is the case universally? <sup>51</sup>

**Mr. Boswell.** — I say so most decidedly.<sup>52</sup>

((**Mr. Prince.**)) If so I must beg to differ with him *in toto*. I will state most distinctly there is no such law existing in England. The marriage ceremony, as performed by the Ministers of the Episcopal Church, is on all occasions in strict accordance with the Rubric in the book of Common Prayer.<sup>53</sup>

**Mr. Cameron** said he did not think that all the statutes which they could pass in England would compel the church to adopt any other course.<sup>54</sup>

**Mr. Hincks** said he believed that the hon. and gallant Colonel had misapprehended the meaning of the hon. gentleman, (Mr. Boswell.)<sup>55</sup>

**Col. Prince** said he did not rise for the purpose of prolonging the debate, but merely to say that he did not like in a deliberative assembly to hear an hon. gentleman make such an assertion.<sup>56</sup>

**Mr. Boswell.** I say so still.<sup>57</sup>

((**Col. Prince.**)) Then I say the assertion is incorrect. The law in England is not as it is laid down by the hon. gentleman. The marriage ceremony of the Protestant Episcopal Church is the same as it was an hundred years ago.<sup>58</sup>

**Mr. Boswell.** I do not speak of that church. Mr. Boswell said it would be found to be exactly as he had stated. Two individuals, if they please, may go before the Register, and it is not necessary it should be a registered building — it may be in the open air — in the presence of certain witnesses, and be legally married: He (Mr. Boswell) was a member of the Protestant Episcopal Church, and if he were to be again married he would choose to be married according to that ritual which so happily bound him before. (Hear, hear.) But as to the law it was as he had stated.<sup>59</sup>

(215)

and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Johnston reported that the Committee had gone through the Bill, without making any amendment thereto, and the report was again read at the Clerk's table.

Bill to be engrossed.

*Ordered* — That the said Bill be engrossed.

House goes into  
Committee on Ladies  
Benevolent Society  
Bill.

The Order of the day for the House in Committee on the Bill to incorporate the Ladies Benevolent Society of *Montreal*, being read —

The House accordingly resolved itself into the said Committee.

Mr. Cameron took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. *Cameron* reported that the Committee had gone through the Bill without making any amendment thereto, and the Report was again read at the Clerk's table.

*Ordered* — That the said Bill be engrossed.

The Order of the day for the House in Committee on the Report of the Special Committee on the Bill to regulate the fisheries in the District of *Gaspé*, and on the said Bill being read,

The House accordingly resolved itself into the said committee.

Mr. *Sherwood* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. *Sherwood* reported that the Committee had made some progress, and had directed him to move for leave to sit again.

(216)

*Ordered* — That the said Committee had leave to sit again on *Friday* next.

The Order of the day for the House in Committee to take into consideration the Acts of the 1st and 3rd of *VICTORIA*, relating to the intended District of *Dalhousie*, and the erection of a Gaol and Court House therein, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Thorburn* took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. *Thorburn* reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth : —

*Resolved* — That the acts of the 1st and 3rd years of *VICTORIA* relating to the erection of the intended District of *Dalhousie*, and the building of a Gaol and Court House for the said District, be amended so as to enable certain persons to raise money upon loan to complete the building of the said Gaol.

*Ordered* — That Mr. *Derbshire* have leave to bring in a Bill to authorize a further loan to complete the building of the Court House and Gaol for the intended District of *Dalhousie*.

He accordingly presented the said Bill to the House and the same was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Monday* next.

Then on motion of Mr. *Thompson*, seconded by Mr. *Derbshire*, The House adjourned.

Bill ordered to be engrossed.

House in Committee on *Gaspé* Fishery Bill.

Progress.

Committee to sit again on Friday.

House in Committee on *Dalhousie* Gaol and Court House Act.

Resolution reported.

Resolution.

*Dalhousie* Gaol and Court House Bill read first time.

Second reading Monday next.

Footnotes — 21 July 1841.

1. The discussion arising from this motion was reported in : *KINGSTON CHRONICLE*, 24 July 1841 ; *WESTERN HERALD*, 11 August 1841, commenting on the debate ; *BRITISH COLONIST*, 28 July 1841, and *ST. CATHARINES JOURNAL*, 5 August 1841, copying from *BRITISH COLONIST*, 28 July 1841, commenting on the debate ; *MONTREAL GAZETTE*, 3 August 1841, commenting on the debate ; *EXAMINER*, 28 July 1841, containing the same report of the debate as the *KINGSTON CHRONICLE*, 24 July 1841. According to *BRITISH COLONIST*, 28 July 1841, the motion was "unanimously" negatived.

2. *KINGSTON CHRONICLE*, 24 July 1841.

3. *IBID.*

4. *IBID.*

5. *IBID.*

6. The debate arising from this motion was reported in : *KINGSTON CHRONICLE*, 24 July 1841 ; *EXAMINER*, 28 July 1841, containing the same report as *KINGSTON CHRONICLE*, 24 July 1841 ; *BRITISH COLONIST*, 28 July 1841 ; *ST. CATHARINES JOURNAL*, 5 August 1841 copied from *BRITISH COLONIST*, 28 July 1841 ; *MONTREAL GAZETTE*, 3 August 1841 ; *WESTERN HERALD*, 11 August 1841.

7. *KINGSTON CHRONICLE*, 24 July 1841.

8. *IBID.*

9. ST. CATHARINES JOURNAL, 24 July 1841.
10. KINGSTON CHRONICLE, 24 July 1841.
11. IBID.
12. IBID.
13. IBID.
14. ST. CATHARINES JOURNAL, 5 August 1841.
15. KINGSTON CHRONICLE, 24 July 1841.
16. IBID.
17. IBID.
18. IBID.
19. ST. CATHARINES JOURNAL, 5 August 1841.
20. KINGSTON CHRONICLE, 24 July 1841.
21. IBID.
22. ST. CATHARINES JOURNAL, 5 August 1841, copied from BRITISH COLONIST, 28 July 1841.
23. IBID.
24. IBID.
25. IBID.
26. The debates on payment of Rebellion losses claims were reported in : KINGSTON CHRONICLE, 24, 28 July 1841 ; ST. CATHARINES JOURNAL, 5 August 1841, copying from BRITISH COLONIST, 28 July 1841 ; BRITISH COLONIST, 28 July 1841 ; EXAMINER, 28 July 1841, containing same report as KINGSTON CHRONICLE, 24, 28 July 1841, with a few speeches omitted ; LE CANADIEN, 2 August 1841, containing a translation of same report found in KINGSTON CHRONICLE, 24, 28 July 1841 ; MONTREAL GAZETTE, 3 August 1841 ; WESTERN HERALD, 11 August 1841. The report found in KINGSTON CHRONICLE, EXAMINER and LE CANADIEN began only with Mr. Boswell's speech : "When the reporter entered Mr. Boswell was addressing the committee."
27. ST. CATHARINES JOURNAL, 5 August 1841, copied from BRITISH COLONIST, 28 July 1841.
28. KINGSTON CHRONICLE, 24 July 1841.
29. ST. CATHARINES JOURNAL, 5 August 1841, copied from BRITISH COLONIST, 28 July 1841.
30. KINGSTON CHRONICLE, 24 July 1841.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. KINGSTON CHRONICLE, 28 July 1841.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. ST. CATHARINES JOURNAL, 5 August 1841, copied from BRITISH COLONIST, 28 July 1841.
42. KINGSTON CHRONICLE, 28 July 1841.
43. IBID.
44. ST. CATHARINES JOURNAL, 5 August 1841, copied from BRITISH COLONIST, 28 July 1841.
45. KINGSTON CHRONICLE, 28 July 1841.
46. This debate was reported in : KINGSTON CHRONICLE, 24 July 1841 ; EXAMINER, 28 July 1841, containing report identical to that of KINGSTON CHRONICLE, 24 July 1841 ; BRITISH COLONIST, 28 July 1841 ; ST. CATHARINES JOURNAL, 5 August 1841, copying from BRITISH COLONIST, 28 July 1841 ; WESTERN HERALD, 11 August 1841.
47. KINGSTON CHRONICLE, 24 July 1841.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. IBID.
56. IBID.
57. IBID.
58. IBID.
59. IBID.



## Thursday, 22 July 1841.

(216)

Pursuant to the order of the day, at 3 o'clock, P. M., the House was called.

Members absent.

## MEMBERS ABSENT.

Mr. *Aylwin*, (with leave.)  
 Mr. *Black*, (with leave.)  
 Mr. *Borne*, (not yet taken his seat.)  
 Mr. *Campbell*, (with leave.)  
 Mr. *Child*, (sick.)  
 Mr. *Crane*.  
 Mr. *Desrivieres*.  
 Mr. *Hale*.  
 Mr. *Hopkins*, (with leave.)  
 Mr. *Jones*, (with leave.)  
 Hon. Mr. *Killaly*, (sickness in his family.)  
 Mr. *Kimber*, (with leave.)  
 Mr. *McCulloch*.  
 Mr. *D. McDonald*.  
 Mr. *J. S. McDonald*.  
 Mr. *McLean*.  
 Mr. *Morris*, (sick.)  
 Mr. Attorney Gen. *Ogden*.  
 Mr. *Strachan*.  
 Mr. *Taché*.

(217)

The hour appointed for taking into consideration the Petition of *James Mathewson*, of the township of *Pittsburgh* and of divers Inhabitants of the county of *Frontenac*, complaining of the undue election and return of *Henry Smith*, Esquire, as a member to represent the county of *Frontenac* in the present parliament, being come,

The House proceeded to the appointment of a select committee to try and determine the merits of said Petitions.

The Sergeant at Arms was directed by Mr. Speaker to go with the Mace to the places adjacent and require the attendance of the members on the business of the House.

And he went accordingly.

And being returned, the House was called, and more than thirty members being present,

Mr. Speaker called upon the Petitioners, their Counsel or Agent, to appear at the Bar.

*Christopher Armstrong* Esquire, appeared at the Bar as Counsel for *James Mathewson*, the Petitioner, — and *James Mathewson*, Esquire, appeared as Agent for the Petitioners, of the County of *Frontenac*.

Mr. Speaker called upon the Sitting Member, his Counsel or Agent, to appear at the Bar.

*William Ross*, Esquire, appeared at the Bar as Counsel for the Sitting Member.

Mr. Speaker then desired the Sergeant at Arms to lock the doors.

And the doors being locked accordingly, and the order of the day for taking the said Petitions into consideration, being read, the attestation of the Speaker was taken from off the Box in which, agreeably to the Statute, the names of all the members of the House were sealed up, and the same was read by the Clerk, as follows : —

House proceeds in trial of Frontenac contested Election.

House called.

C. Armstrong, Esq. appears as Counsel, and J. Mathewson, Esq., as Agent for petitioners.

W. Ross, Esq. as Counsel for sitting Member.

Doors locked.  
 Order of day read.

Attestation of  
Speaker.

"I attest that this Box was, on the *twenty first day of July, 1841*, made up in my presence in the manner directed by an Act passed in the *fourth year of the Reign of His late Majesty King GEORGE the Fourth*, intituled "*An Act to repeal an Act passed in the forty fifth year of His late Majesty's Reign*", intituled "*An Act to regulate the trial of controverted Elections or Returns of Members to serve in the House of Assembly*," and to make more effectual provision for such trials."

AUSTIN CUVILLIER,  
Speaker.

Attestation of Clerk.

The Box was then opened, and the attestation of the Clerk was taken out of the Box, and read by him, as follows : —

"I attest that I did, on *Wednesday, the twenty first day of July, 1841*, in the presence of the Speaker of this House, put into a Box in which this attestation is found, the names of all the Members composing the present Legislative Assembly, written upon slips of parchment, and rolled up, as directed by an Act passed in the *fourth year of the Reign of His late Majesty King GEORGE the Fourth*, entitled "*An Act to repeal an Act passed in the forty fifth year of His late Majesty's Reign*", intituled "*An Act to regulate the trial of controverted Elections or Returns of Members to serve in the House of Assembly*," and to "*make more effectual provision for such trials*."

W. B. LINDSAY,  
Clerk of Assembly.

The names of all the Members were taken out of the Box and put into three other Boxes.

Drawing (sic) of  
names proceeded in.

(218)

The drawing of the names was then proceeded in, in the usual manner, and the following names were drawn to which no objection was taken :

1 Armstrong,	8 Daly, Hon. D.	15 Hincks
2 Barthe,	9 Day, Hon. C. D.	16 Moffatt, Hon. G.
3 Berthelot,	10 Draper, Hon. W.H.	17 Morin,
4 Boutillier,	11 Dunn, Hon. J. H.	18 Noel,
5 Buchanan,	12 Durand,	19 Roblin,
6 Cartwright,	13 Hamilton,	20 Harmanus Smith,
7 Cook,	14 Harrison, Hon. D.	21 Taschereau.

Mr. Johnston set  
aside as nominee.

In the course of the drawing the name of Mr. Johnston was taken out and set aside, being chosen nominee for James Mathewson, the petitioner, and the name of Mr. Price was likewise taken out, and set aside being chosen nominee for the sitting Member.

Call of House  
tomorrow.

On motion of Mr. Attorney General Draper seconded by Mr. Cartwright,

*Resolved* — That the names of the members of this House that are now in Kingston be called over to-morrow at 3 o'clock, P. M.

Members now in  
Kingston, and not  
then present to be  
taken into custody.

*Ordered* — That such members, as shall not be then present, be taken into the custody of the Sergeant-at-Arms attending this House, or his Deputy.

And there not being a sufficient number of members to complete the *twenty-three*, required by the 6th section of the Act 4, GEO. IV., Cap. 4.

House adjourned  
according to Statute.

Mr. Speaker declared the House adjourned, in conformity to the Statute in that case made and provided.<sup>1</sup>

Footnotes — 22 July 1841.

1. BRITISH COLONIST, 28 July 1841: "The House of Assembly adjourned this day at a quarter past four o'clock P.M., without doing anything for want of a sufficient number of members to strike a committee for the contested election for Frontenac."

## Friday, 23 July 1841.

Mr. Borne takes  
his seat.

(218)

*Michel Borne*, Esq., member for the County of *Rimouski*, having previously taken the oath, according to law, and subscribed before the Commissioners the Roll containing the same, took his seat in the House.

House called.

Pursuant to the order of the day, at 3 o'clock, P. M., the House was called.

Members absent.

## MEMBERS ABSENT.

Mr. *Aylwin*, (with leave.)  
Mr. *Black*, (with leave.)  
Mr. *Campbell*, (with leave.)  
Mr. *Crane*.  
Mr. *Desrivieres*.  
Mr. *Duggan*.  
Mr. *Hale*.  
Mr. *Hopkins*, (sick.)  
Mr. *Jones*, (with leave.)  
Mr. *Kimber*, (with leave.)  
Mr. *McCulloch*.  
Mr. *Morris*, (sick.)  
Mr. *Simpson*.  
Mr. *Strachan*.  
Mr. *Woods*.

(219)

House again proceeds  
to the trial of the  
Election for County  
of *Frontenac*.

In consequence of the adjournment of yesterday, the House again proceeded to the appointment of a Select Committee to try and determine the merits of the Petitions of *James Mathewson*, of the Township of *Pittsburg*, and of divers inhabitants of the County of *Frontenac*, complaining of the undue election and return of *Henry Smith*, Esquire, as a member to represent the County of *Frontenac*, in this present Parliament.

The Sergeant at Arms was directed by Mr. Speaker to go with the Mace to the places adjacent and require the attendance of the members on the business of the House,

And he went accordingly,

House called.

And being returned, the House was called, and more than thirty members being present,

Mr. Speaker called upon the Petitioners, their Counsel or Agent, to appear at the Bar.

Counsels appear  
at Bar.

*Christopher Armstrong* Esquire, appeared at the Bar as Counsel for *James Mathewson*, Esquire, the Petitioner; and *James Mathewson*, Esq. appeared as Agent for the Petitioners of the County of *Frontenac*.

Mr. Speaker called upon the Sitting Member, his Counsel or Agent, to appear at the Bar.

*Wm. Ross*, Esquire, appeared at the Bar, as Counsel for the Sitting Member.

Doors locked.

Mr. Speaker then desired the Sergeant at Arms to lock the doors, and the doors being locked accordingly, and the order of the day for taking the said Petition into consideration being read, the attestation of the Speaker was taken from off the Box in which, agreeably to the Statute, the names of all the members of the House were sealed up, and the same was read by the Clerk, as follows : —



Attestation of  
Speaker.

"I attest that this Box was, on the 22d day of *July* 1841, made up in my presence, in the manner directed by an Act passed in the *fourth* year of the reign of His late Majesty King GEORGE the *Fourth*, intituled, "*An Act to repeal an Act passed in the forty-fifth year of His late Majesty's reign*, intituled, '*An Act to regulate the trial of controverted Elections or Returns of Members to serve in the House of Assembly*' and to make more effectual provision for such trials."

AUSTIN CUVILLIER,  
Speaker.

The Box was then opened, and the attestation of the Clerk was taken out of the box and read by him, as follows : —

Attestation of Clerk.

"I attest that I did, on *Thursday*, the 22d day of *July*, 1841, in the presence of the Speaker of the House, put into a box in which this attestation was found, the names of all the members composing the present Legislative Assembly, written upon slips of parchment, and rolled up, as directed by an Act passed in the *fourth* year of the Reign of His late Majesty, King GEORGE the *Fourth*, intituled "*An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign*, " intituled, '*An Act to regulate the trial of Controverted Elections, or Returns of Members to serve in the House of Assembly,*' and to make "*more effectual provision for such trials.*"

W. B. LINDSAY,  
Clerk of Assembly.

The names of all the members were taken out of the Box and put into three other Boxes.

(220)

Names drawn from  
which to strike a  
select Committee.

The drawing of the names was then proceeded in, in the usual manner, and the following names were drawn, to which no objection was taken : —

1 Morin,	9 Cook,	17 Hamilton,
2 Roblin,	10 Durand,	18 Daly, Hon. D.,
3 Armstrong,	11 J.S. Macdonald,	19 Borne,
4 Harmanus Smith,	12 Day, Hon. C.D.,	20 Barthe,
5 Boutillier,	13 McLean,	21 Ogden, Hon. C.R.,
6 Buchanan,	14 Draper, Hon. W.H.,	22 Moffatt, Hon. G.,
7 Taschereau,	15 Harrison, Hon. S.B.,	23 Taché.
8 Noel,	16 Hincks,	

Thirty five other names were drawn and set aside or excused, as follows : —

Eight against whom Petitions are now pending.

Twenty six serving on Election Committees.

One being upwards of sixty years of age.

Nine names were also drawn of members who were absent.

Mr. Johnston was chosen nominee for James Mathewson, the Petitioner.

Mr. Price was chosen nominee for the Sitting Member.

At 10 minutes to 4 o'clock, P. M., the parties, with Mr. Alfred Patrick, Clerk of the Select Committee, retired for the purpose of striking said Committee.

At 5 minutes past 4 o'clock, P. M., the Clerk to the Select Committee delivered to the Clerk of the House a list containing the names of the nine members unstruck, composing the Select Committee, which is as follows : —

Names of the members remaining on the list to try the merits of the Petition of James Mathewson, of the Township of Pittsburg, and of divers inhabitants of the County of Frontenac, complaining of the undue election and return of Henry Smith, Esquire, as a member to represent the County of Frontenac, in this present Parliament.

Mr. Johnston Nomi-  
nee for Petitioner.

Mr. Price, Nominee  
for sitting Member.

Parties retire.

Clerk presents the list  
of members com-  
posing sel. committee.

Members remaining  
and forming  
Committee.

- |                     |                      |                         |
|---------------------|----------------------|-------------------------|
| 1 <i>Morin,</i>     | 4 <i>Buchanan,</i>   | 7 <i>Day, Hon. C.D.</i> |
| 2 <i>Roblin,</i>    | 5 <i>Taschereau,</i> | 8 <i>Hincks,</i>        |
| 3 <i>Armstrong,</i> | 6 <i>Noel,</i>       | 9 <i>Hamilton,</i>      |

Nominee for *James Mathewson*, the Petitioner, Mr. *Johnston*.  
Nominee for the Sitting Member, Mr. *Price*.

ALFRED PATRICK,  
Clerk to Committee.

Committee sworn.

The said nine members and the Nominees were then, severally,  
sworn at the Table, by the Clerk, in the usual manner.

List of Witnesses  
presented and read on  
behalf of the Petitioner  
*James Mathewson*.

*Christopher Armstrong*, Esquire, Counsel for *James Mathewson*,  
presented a list of witnesses on the part of the said *James Mathewson*,  
which was read by the Clerk.

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List of Witnesses in  
the behalf of sitting  
Member.

*William Ross*, Esquire, Counsel for the Sitting Member, handed in a  
list of the witnesses required, in behalf of the Sitting Member, which  
was also read by the Clerk, as follows : —

<i>David Alexander.</i>	<i>Cornelius Vanluven.</i>	<i>James McArty.</i>	<i>Alexander Milne.</i>
<i>Samuel Moore.</i>	<i>Robert Sellars.</i>	<i>Donald McKay.</i>	<i>Andrew Hawthorn.</i>
<i>William Walker.</i>	<i>Peter C. Davis.</i>	<i>Michael Steward.</i>	<i>David Perry.</i>
<i>John Boyd.</i>	<i>Joshua Walker.</i>	<i>Samuel D. Purdy.</i>	<i>Richard Jones.</i>
<i>John Bush.</i>	<i>Robert Atkin.</i>	<i>James Shields.</i>	<i>George H. McLean.</i>
<i>Cornelius Carline.</i>	<i>Robert Curran.</i>	<i>Daniel Wartman.</i>	<i>Nicholas Mosier.</i>
<i>Allan McPherson.</i>	<i>Adam Freeburn.</i>	<i>Samuel Knapp, Sen'r.</i>	<i>Adam McMahon.</i>
<i>James Mosier.</i>	<i>Peter Wartman.</i>	<i>John Ashley.</i>	<i>David Notter.</i>
<i>Henry Dalton.</i>	<i>James Pearsons.</i>	<i>Richard Davis.</i>	<i>William Vroman.</i>
<i>George Bradley.</i>	<i>Thomas Guess.</i>	<i>Thomas A. Corbett.</i>	<i>Thomas Jenkins.</i>
<i>John Allen.</i>	<i>James Guess.</i>	<i>Reuben Spooner.</i>	<i>Joseph Corbier.</i>
<i>Christopher Lake.</i>	<i>John Shibley.</i>	<i>Jarvis Worden.</i>	<i>Thomas Baker.</i>
<i>Thomas Kelly.</i>	<i>Joseph Boice.</i>	<i>Jonas Snider.</i>	<i>William Farrell.</i>
<i>John Spring.</i>	<i>Bernard O'Connor.</i>	<i>Samuel Bullock.</i>	<i>John Gibson.</i>
<i>Thomas Home.</i>	<i>Isaac Powley.</i>	<i>Thomas McConnell.</i>	<i>William Scott.</i>
<i>George Webster.</i>	<i>Roderick Ross.</i>	<i>Thomas Denison.</i>	<i>Denis McGrath.</i>
<i>John McLellan.</i>	<i>Daniel Williams.</i>	<i>Michel O'Brien.</i>	<i>Richard Gough.</i>
<i>Patrick Doyle.</i>	<i>John Barrett.</i>	<i>Hugh McFadden.</i>	<i>Richard Draper.</i>
<i>Lawrence Rail.</i>	<i>David Lavery.</i>	<i>James McConnell.</i>	<i>Edward Cranford.</i>
<i>Gilbert Purdy.</i>	<i>George Morton.</i>	<i>Bulkley Waters.</i>	<i>Richard Rider.</i>
<i>John Mowat.</i>	<i>William Sutherland.</i>	<i>Charles Joiner.</i>	<i>George W. Yarker.</i>
<i>Matthew Carline.</i>	<i>Robert Codling.</i>	<i>Zachariah David.</i>	<i>William Brown.</i>
<i>Alexander Trotter.</i>	<i>Archibald McMillan.</i>	<i>Lewis Daily.</i>	<i>Samuel Goslino.</i>
<i>William M'Laughlin.</i>	<i>Samuel Chesnut.</i>	<i>Charles Gay.</i>	<i>James Ramsay.</i>
<i>Thomas Sherman.</i>	<i>John Masson.</i>	<i>Abner Graham.</i>	<i>William Stark.</i>
<i>Thomas Milton.</i>	<i>John Strachan.</i>	<i>James Hill.</i>	<i>Robert Berth.</i>
<i>Absalom Day.</i>	<i>Walter Gorran.</i>	<i>John Leatherland.</i>	<i>Archibald Ramsay.</i>
<i>David Wader.</i>	<i>Emanuel Waggoner.</i>	<i>William Panhom.</i>	<i>John Cowan.</i>
<i>John Shepherd.</i>	<i>Peter Amey.</i>	<i>Andrew McAdoo.</i>	<i>Warren Farmian.</i>
<i>John Wilmot.</i>	<i>William Ferguson.</i>	<i>Thomas Collins.</i>	<i>Alexander Cowan.</i>
<i>John Connor.</i>	<i>Oliver Boselle.</i>	<i>James McMahon.</i>	<i>Thomas Fair.</i>
<i>Samuel Mundle.</i>	<i>Peter Knapp.</i>	<i>Lewis Wadsworth.</i>	<i>Arthur Conwin.</i>
<i>John Joyce.</i>	<i>Joseph Gay.</i>	<i>Samuel Latimore.</i>	<i>Thomas Brown.</i>
<i>William Patterson.</i>	<i>John Milton.</i>	<i>James McCammar.</i>	<i>Thomas Harkin.</i>
<i>Robert Gaskin.</i>	<i>John Phair.</i>	<i>James Guess.</i>	<i>John Cowan.</i>
<i>Thomas Walker.</i>	<i>Matthew M'Kory.</i>	<i>John Noon.</i>	<i>James Cowan.</i>
<i>William Kennedy.</i>	<i>David Simkins.</i>	<i>John George.</i>	<i>George R. Morey.</i>
<i>Thomas Freeman.</i>	<i>Peter McKim.</i>	<i>John Haselip.</i>	<i>Patrick C. Murdoch.</i>
<i>Lewis La Porte.</i>	<i>John McLaughlin.</i>	<i>Isaac Holmes.</i>	<i>John Goldsmith.</i>
<i>Charles Smith.</i>	<i>George Henderson.</i>	<i>Thomas Lavery.</i>	<i>John Burley.</i>
<i>James Andrews.</i>	<i>John Lancaster.</i>	<i>John Flanigan.</i>	<i>Thomas Wafer.</i>
<i>Niece McAlister.</i>	<i>Malin Knapp.</i>	<i>Francis Beniton.</i>	<i>James Chesnut.</i>
<i>Robert Dier.</i>	<i>John Herchmer.</i>	<i>Mathias Cloud.</i>	<i>Alexander Cowan.</i>
<i>Percy Deacons.</i>	<i>Micajah Purdy.</i>	<i>Charles Hales.</i>	<i>John Campbell.</i>
<i>David Ash.</i>	<i>Thomas Ruthenford.</i>	<i>Patrick Donelly.</i>	<i>John McCullogh.</i>
<i>Christopher Switzer.</i>	<i>Major Blacke.</i>	<i>Robert Peterson.</i>	<i>Henry Lavery.</i>
<i>John Wolfe.</i>	<i>John Jenkins.</i>	<i>Lewis Meyers.</i>	<i>George Graham.</i>
<i>Alexander Cowly.</i>	<i>John Richardson.</i>	<i>Denis Lake.</i>	<i>Felix McEvoi.</i>
<i>James Hickey.</i>	<i>Robert Forsyth.</i>	<i>Barnabas Wartman.</i>	<i>George Harper.</i>
<i>Daniel Donoghue.</i>	<i>Hugh McTigart.</i>	<i>Michael Smith.</i>	<i>Neil Neilson.</i>
<i>James Deykes.</i>	<i>William Raymond.</i>	<i>Zelotus Abbott.</i>	<i>John Joban.</i>
<i>Patrick Curtiss.</i>	<i>Hiram Spooner.</i>	<i>Elias Holmes.</i>	<i>John Harple.</i>
<i>John White.</i>	<i>Henry Wartman.</i>	<i>John Rider.</i>	<i>Christopher Julian.</i>
<i>Jacob Pouley.</i>	<i>William Latimore.</i>	<i>Thomas Minnis.</i>	<i>William Sixsmith.</i>
<i>Abraham Collard.</i>	<i>Peter Knight.</i>	<i>Arthur Mohon.</i>	<i>Samuel Sloane.</i>
<i>John Hare.</i>	<i>Silvanus Deo.</i>	<i>Henry Shibley.</i>	<i>John Waldron.</i>
<i>Nicholas Amey.</i>	<i>Thomas Smith.</i>	<i>Henry Shibley.</i>	<i>Samuel Anning.</i>

Mathew Conkey.  
Lawrence Sims.  
John Shibley.  
William Patterson.  
Anthony English.  
Daniel Hursey.  
Valentine Allen.  
Thomas Fraser.  
Lorenzo Switzer.  
Francis Guess.

Richard Ham.  
Abraham Vanorder.  
John Abrahams.  
Stephen Knight.  
John Elmot.  
Daniel Wright.  
Thomas Watson.  
Donald McDonald.  
Ranald McDonald.  
John Hughton.

William Albertson.  
William Holditch.  
James Keeley.  
Anthony Willoughby.  
George Clookey.  
James Fraser.  
George Strachan.  
Edward Noble.  
Thomas Conklin.  
James Morton.

Isaiah Vanorder.  
John Blake.  
William Rea.  
Lewis Mosier.  
Richard Ellerbeck.  
Thomas Graham.  
William Simkins.  
John Blake.  
Samuel McKee.  
Allan McLean.

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List of Witnesses in  
the behalf of sitting  
Member.

Cornelius Knight.  
James Parker.  
John Rustan.  
Henry Mullen.  
John Secomb.  
Calvin Day.  
John Bartrim.  
Micajah B. Guess.  
Manson Powley.  
Daniel Babcock.  
John Boyd.  
John Owens.  
David Dick.  
William Teeple.  
Mathew Rorke.  
John Lance.  
Neil Ferris.  
Gilbert Purdy.  
William Ross.  
John Dunlop.  
Arthur Harper.  
Andrew Boyce.  
Richard Fethonay.  
Denis Mahony.  
William Hoboro.  
Thomas Thomson.  
James Miller.  
Eli Peters.  
James Brown.  
Thomas Wade.  
John Campbell.  
Henry Shelton.  
Jacob Wood.  
James Wood.  
John Mills.  
William Ward.  
Hugh Campbell.  
Michael Harrington.  
Micajah Purdy.  
Joseph Bruce.  
William Cassidy.  
John Martinelle.  
Hugh McIntire.  
James Duff.  
Joseph Donoghue.  
David Lee.  
Marmaduke Wellburn.  
Jeremiah Bastome.  
Paul Hick.  
Stephen Simkins.  
James Anderson.  
William Babcock.  
Joseph Langwith.  
Daniel Grass.  
John Franklin.  
Joseph Burley.  
Hosea Purdy.  
Robert Waddington.  
Donald Beaton.  
George Horning.  
Elias Jackson.

Patrick Henry.  
John Hooper.  
Joseph Donoghue.  
Richard Draper.  
John Ferguson.  
William Coverdale.  
John A. MacDonald.  
Henry Sadler.  
Robert Tolbert.  
Thos. W. Robinson.  
David J. Smith.  
Daniel Davee.  
Thomas Townsend.  
Robert McVity.  
George A. Buck.  
William Ward.  
George Marsh.  
Philander Lyons.  
William Waddington.  
Thomas Ward.  
Arthur Wright.  
James Carey.  
William Brady.  
James Hickey.  
John O'Brien.  
Jacob Finaman.  
George Amey.  
Edward O'Dogherty.  
William Wright.  
Nathaniel Huston.  
Isaac David.  
Isaac Smith.  
James McMullin.  
Thomas Kelly.  
James Todd.  
William McMullin.  
Abraham Boice.  
Lewis Clement.  
Thomas Pendergarst.  
Reuben Clark.  
George Clark.  
Archibald Cochrane.  
James Brady.  
Allan McInnis.  
Edmund O'Dogherty.  
James Noble.  
Robert Maxwell.  
Samuel David.  
Johnathan Abrahams.  
Henry Clark.  
Thomas Burrows.  
Patrick Kelly.  
Lewis Wartman.  
George W. Baldwin.  
William Keon.  
Joseph Moore.  
Samuel Moore.  
William Moore.  
William Scott.  
Cyrus Burley.  
James Hall.  
James Woodcock.  
Edward Shibley.  
Leonard Vanleuwen.  
John McLeod.  
Richard Logan.  
John Switzer.  
Jacob Vosburgh.

Charles Dairs.  
John Graham.  
Andrew Mayne.  
James Kirk.  
Francis Dunn.  
John McLean.  
John Warner.  
Michael Flanagan.  
William Franklin.  
Clark Nichalls.  
Wallace Fairman.  
Christopher Armstrong.  
Robert Breeze.  
Hugh McRoy.  
Mathew Dunn.  
Ira Shibley.  
Barnabas Mulgrew.  
George Hart.  
Gabriel.  
Hugh Peters.  
John Kirby.  
Michael Aseltine.  
John Watkins.  
James Rorison.  
Francis Bushee.  
James Baker.  
William Stinson.  
Charles McFarland.  
John Leonard.  
Martin Cushee.  
William Johnston.  
John McGorvan.  
Geoffry Spooner.  
Daniel Caffry.  
Mathew Horne.  
George Coulson.  
James Benn.  
Robert Hughson.  
Peter McIneen.  
Roderick Rose.  
George Glasgow.  
William Marshall.  
James O'Brien.  
John Ferguson.  
Michael O'Brien.  
Neil McIntire.  
James Gardiner.  
Samuel Smith.  
William McConnell.  
William Dawson.  
Philip Wents.  
James Fisher.  
Peter Collagan.  
Horace Yeomans.  
William Beamish.  
Thomas Sparham.  
Jesse Purdy.  
John Schermahorn.  
William Rice.  
Peter Grass.  
James Baker.  
Peter Sorn.  
James Campbell.  
Joseph Taylor.  
John Grass.  
Gabriel Orser.  
John Healy.  
John A. Wright.

William Lemoine.  
James Brown.  
Benjamin Soles.  
James Henry.  
Terrence McGarvey.  
Samuel Abbott.  
Aaron Spike.  
John Swift.  
Morriss Simkins.  
John Richards.  
Robert Splane.  
Wilson Nelson.  
T. H. Lockwood.  
Byan Spike.  
Francis Vandewater.  
Samuel Babcock.  
John Ferguson.  
Jacob Suider.  
David Wood.  
John Day.  
John Metzler.  
James Gordon.  
John C. Shelbz.  
Luke C. Carscallan.  
Davis Boyce.  
Joseph Nickalls.  
David Hodge.  
Peter Perry.  
Israel Blake.  
Henry Baker.  
Richard Wade.  
Robert Hughes.  
Henry Jackson.  
John Jackson.  
Paul Perry.  
James Lily.  
James Hogle.  
William Leonard.  
John G. Worden.  
Nathaniel J. Hatch.  
Francis Kelly.  
William A. Wood.  
Peter Storms.  
Jehiel Clark.  
George Walker.  
Stephen Bridger.  
Joseph McGowan.  
Henry Bartrim.  
John B. Powley.  
William Powley.  
Joseph McLean.  
John Bailey.  
George Buck.  
James Kirkpatrick.  
George Ashley.  
John Patterson.  
Richard Scobett.  
John Hudson.  
Charles Nash.  
John Dawson.  
John Knapp.  
Samuel Purdy.  
Patrick Benson.  
George Graham.  
J. Tyler Barrett.  
Tunis Buck.  
Hugh Madden.  
William Cashman.



<i>John Fræl.</i>	<i>James Rick.</i>	<i>Abalom Hornbeck.</i>	<i>Isaac Lake.</i>
<i>Alexander Lake.</i>	<i>George Gilmour.</i>	<i>William Ellerbeck.</i>	<i>James Booth.</i>
<i>John Anderson.</i>	<i>William Reggs.</i>	<i>Phillip Suitzer.</i>	<i>Henry Wood.</i>
<i>James Mullen.</i>	<i>Geo. Vanvalkenburgh.</i>	<i>Joseph Menor.</i>	<i>John Braden.</i>
<i>Alexander Campbell.</i>	<i>William Atley.</i>	<i>George Graves.</i>	<i>William Braden.</i>
<i>William Alberson.</i>	<i>Joseph Watson.</i>	<i>Christopher Sixworth.</i>	<i>Henry Clark.</i>
<i>Alexander Mayberry.</i>	<i>David Snider.</i>	<i>Lewis J. Day.</i>	<i>Michael Keon.</i>
<i>Thomas Sixmith.</i>	<i>John Clark.</i>	<i>James McConnell.</i>	<i>Isaac Bond.</i>
<i>James Cornell.</i>	<i>Patrick Carberry.</i>	<i>William Smith.</i>	<i>William Solos.</i>
<i>Peter Murphy.</i>	<i>Charles Patterson.</i>	<i>William Stafford.</i>	<i>Henry Benjamin.</i>
	<i>Alexander McMahon.</i>	<i>Henry Cole.</i>	<i>Ebenezer Adsit.</i>

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List of Witnesses in  
the behalf of sitting  
Member.

<i>Philip Brewer.</i>	<i>Archibald McIntire.</i>	<i>Samuel Holditch.</i>	<i>John Patterson.</i>
<i>Thomas Rogers.</i>	<i>James Teeples.</i>	<i>John Scott.</i>	<i>Philip Buck.</i>
<i>James McKay.</i>	<i>James English.</i>	<i>George Bott.</i>	<i>John Silver.</i>
<i>John McArthur.</i>	<i>Robert Smith.</i>	<i>Moses Spike.</i>	<i>Nicholas Amey.</i>
<i>John Walker.</i>	<i>Michael O'Brien.</i>	<i>Robert Rose.</i>	<i>Enoch F. Dunham.</i>
<i>James Harding.</i>	<i>Duncan Beith.</i>	<i>John Wilson.</i>	<i>Lewis Nedow.</i>
<i>Brook.</i>	<i>Thomas Mostyn.</i>	<i>Alexander Spike.</i>	<i>John Rulter.</i>
<i>Joseph Gegg.</i>	<i>John Vincent.</i>	<i>John Counter.</i>	<i>Henry Dordie.</i>
<i>John Patterson.</i>	<i>Samuel Shaw.</i>	<i>Christopher Woodcock.</i>	<i>Robert McDowall.</i>
<i>John Harkes.</i>	<i>Isaac Orser.</i>	<i>William Bond.</i>	<i>Benjamin Olcott.</i>
<i>John Midcalf.</i>	<i>William Lake.</i>	<i>John Cordeux.</i>	<i>John Charlton.</i>
<i>Charles Callaghan.</i>	<i>Valentine Stover.</i>	<i>James Hartley.</i>	<i>Miles Fisk.</i>
<i>George Graves.</i>	<i>William Miller.</i>	<i>Alexander Campbell.</i>	<i>John Chapman.</i>
<i>Daniel Wright.</i>	<i>William Mayne.</i>	<i>Joseph Ferris.</i>	<i>James Sampson.</i>
<i>Dennis Lucas.</i>	<i>Joseph Welsh.</i>	<i>Frederick Buck.</i>	<i>Francis M. Hill.</i>
<i>Alexander McGinnis.</i>	<i>Hugh McGuire.</i>	<i>John Gates.</i>	<i>William B. Smyth.</i>
<i>William Ford.</i>	<i>John Duffy.</i>	<i>James Connor.</i>	<i>Henry W. Benson.</i>
<i>William Henry.</i>	<i>James B. Clark.</i>	<i>James Hardy.</i>	<i>Robert Talbot, Jr.</i>
<i>Tunis Snook.</i>	<i>Peter Huffman.</i>	<i>Peter Benson.</i>	<i>Stephen Aykroyd.</i>
<i>Samuel Campbell.</i>	<i>Archibald McDonell.</i>	<i>Michael Smith.</i>	<i>Samuel Knapp.</i>
<i>Cory Ferris.</i>	<i>William Scott.</i>	<i>John Peters.</i>	<i>George Counter.</i>
<i>Adam Laidlow.</i>	<i>Samuel Rees.</i>	<i>John C. Ruttan.</i>	<i>Jacob Shibley.</i>
<i>John McKnight.</i>	<i>Luke Barrett.</i>	<i>James Acheson.</i>	<i>Peter Switzer.</i>
<i>John Willet.</i>	<i>James McGaghy.</i>	<i>Jonathan Houghton.</i>	<i>Samuel Smyth.</i>
<i>John Matthews.</i>	<i>William Duff.</i>	<i>Edward McKew.</i>	<i>Charles Clark.</i>
<i>Barnabas Freeman.</i>	<i>Thomas Guiley.</i>	<i>Thomas Gowan.</i>	<i>William Tabbot.</i>
<i>John Freeman.</i>	<i>George Oliver.</i>	<i>Edward C. Carscallan.</i>	<i>Jacob Shibley.</i>
<i>Walter Eales.</i>	<i>Simeon Spooner.</i>	<i>Archibald Smith.</i>	<i>Abraham Storms.</i>
<i>Hiram Spooner.</i>	<i>Robert Taylor.</i>	<i>William Judge.</i>	<i>David Purdy.</i>
<i>Charles Powley.</i>	<i>William Campbell.</i>	<i>David Foot.</i>	<i>Patrick Daly.</i>
<i>David Kelly.</i>	<i>Charles Everitt.</i>	<i>Joel Sturgess.</i>	<i>John Hamilton.</i>
<i>Benjamin Babcock.</i>	<i>Cornelius Hughston.</i>	<i>Thomas McDonough.</i>	<i>Thomas Braden.</i>
<i>John Ward.</i>	<i>Guy Leonard.</i>	<i>William Laycock.</i>	<i>Bernard Leonard.</i>
<i>James Hunter.</i>	<i>Peter Bates.</i>	<i>Andrew Dunbar.</i>	<i>Christopher Fegan.</i>
<i>Samuel Yeomans.</i>	<i>Robert Rice.</i>	<i>Samuel Jackson.</i>	<i>William Abrahams.</i>
<i>Henry Harper.</i>	<i>John Orser.</i>	<i>Thomas Wilson.</i>	<i>Dennis Kelly.</i>
<i>Abraham Holmes.</i>	<i>George Home.</i>	<i>Patrick Murphy.</i>	<i>Abalom Daly.</i>
<i>Albert McMichael.</i>	<i>James Meagher.</i>	<i>David McDonell.</i>	<i>Barnabas Spooner.</i>
<i>Thomas Moon.</i>	<i>Joseph Leonard.</i>	<i>Thomas McKutcheon.</i>	<i>David Daly.</i>

On motion of Mr. *Johnston*, seconded by Mr. *Hamilton*,

*Ordered* — That the Committee appointed to try the merits of the Petitions of *James Mathewson*, of the Township of *Pittsburg*, and of divers Inhabitants of the County of *Frontenac*, complaining of the undue election and return of *Henry Smith*, Esquire, do now meet in a Committee room of this House.

Sir *Allan McNab* moved, seconded by Mr. *De Salaberry*,

That this House do nominate and appoint, under the hand and seal of the Speaker, three Commissioners for the purpose of examining the witnesses of the parties in the matter of the controverted election for the County of *Hastings*, and that *Charles O. Benson*, Esquire, *Lewis Walbridge* and *Billa Flint*, Esquires, be such Commissioners, who shall be authorized and empowered to hold their sittings at *Belleville*, on *Monday*, the 2d day *August* next, with *Lewis Walbridge*, Esquire, as Chairman of the said Commission.

The question having been put upon the said motion, a division ensued, and it passed in the negative.

The following petitions were severally brought up, and laid on the table : —

Committee to meet  
forthwith.

Motion for appointing  
a Commission to take  
evidence in the matter  
of the Hasting  
contested Election.

Motion lost.

Petitions brought up.

Of Fire Company  
and Magistrates of  
Brantford.  
Andrew Millar.  
Peter Leppard.  
Jas Stocks and others.

Louis Norreau.

By Mr. *Harmanus Smith* — The Petition of the Fire Company, and of the Magistrates of the Town of *Brantford* — and the Petition of *Andrew Millar*, of *Hamilton, Gore* District, Land Surveyor.

By Mr. *Price* — The Petition of *Peter Leppard*, of *East Gwillimbury, Home* District — and the Petition of *James Stocks*, and others, of the Township of *Etobicoke, Home* District.

By the Honourable Mr. *Viger* — The Petition of *Louis Norreau*, of the Parish of *St. Roch's of Quebec*, late Messenger of the Legislative Council of *Lower Canada*.

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Felicité Morin.

By Mr. *Morin* — The Petition of *Felicité Morin*, of the City of *Montreal*.

G. P. Wilgress.

By Mr. *Delisle* — The Petition of *G. P. Wilgress*, and others, of the Parish of *Lachine*.

A. A. Adams and  
others.

By Mr. *Cameron* — The Petition of *A. A. Adams*, and others, inhabitants of the Township of *Barnston*, in the County of *Stanstead*.

Geo. Babcock and  
others.

By Mr. *Prince* — The Petition of *George Babcock*, and others, of the Town of *Brantford*, and other places, stage proprietors and mail contractors.

John Burn and others.

By Mr. *Hincks* — The Petition of *John Burn*, and others, inhabitants of the Township of *Durham*.

William Bowron  
and others.

By Mr. *Dunscomb* — The Petition of *William Bowron*, Esquire, and others, of *Godmanchester*, and other places, in the County of *Beauharnois*.

Archibald McDonell  
and others.

By Mr. *Johnston* — The Petition of *Archibald McDonell*, and others, of the Townships of *Gloucester, Osgoode* and *Russell*.

J. W. Woolsey, Esq.  
and others.

By Mr. *Neilson* — The Petition of *J.W. Woolsey*, Esquire, and others, of *Quebec*.

Thos. Carr, senior,  
& others.

By Mr. *Gilchrist* — The Petition of *Thomas Carr*, Senior, and others, inhabitants of *Otanabee*, and other Townships.

Motion for a new  
Commission to issue  
for the examination  
of Witnesses in the  
Matter of the Niagara  
contested Election.

Mr. *Small* moved, seconded by Mr. *Harmanus Smith*,

That the commission lately issued for the examination of witnesses, upon the Petition complaining of the undue election and return of *Edward Clarke Campbell*, Esquire, Sitting Member for the Town of *Niagara*, having been returned unexecuted, a new commission, for the purpose aforesaid, do issue forthwith, directed to *John Shuter Smith*, of the City of *Toronto*, Esquire, *Alexander Grant*, of the same place, Esquire, and *Wm. M. Gorrie*, of the Town of *Niagara*, Gentleman, to meet at the Town of *Niagara*, on *Monday*, the 26th instant — returnable on or before *Monday*, the 2d day of *August* next — and that *John Shuter Smith*, Esquire, be chairman of the said commission.

Amendment to  
foregoing.

Mr. *Thorburn* moved in amendment, seconded by Mr. *Cartwright*,

That the words "*Monday*, the 2d day of *August*," be struck out of the said motion, and that "*Tuesday*, the 10th day of *August*," be substituted, and that the name of "*William M. Gorrie*, of the Town of *Niagara*, Gentleman," be struck out, and the name of "*Lorenzo D. Raymond*, of the Village of *St. Catharines*, Esquire," substituted.

Question of Amend-  
ment put.

The question having been put upon the motion of amendment, a division ensued, and the names being called for, they were taken down, as followeth : —

#### YEAS.

<i>Boswell</i> ,	<i>Draper</i> , Hon. <i>W.H. McLean</i> ,	<i>Robertson</i> ,
<i>Buchanan</i> ,	<i>Dunscomb</i> ,	<i>Moffatt</i> , Hon. <i>G. Steele</i> ,
<i>Burnet</i> ,	<i>Foster</i> ,	<i>Moore</i> ,
<i>Cameron</i> ,	<i>Gilchrist</i> ,	<i>Ogden</i> , Hon. <i>C.R. Thompson</i> ,
<i>Cartwright</i> ,	<i>Harrison</i> , Hon. <i>S.B. Parke</i> ,	<i>Watts</i> ,
<i>Daly</i> , Hon. <i>D. Holmes</i> ,	<i>Powell</i> ,	<i>Williams</i> ,
<i>Day</i> , Hon. <i>C.D. Johnston</i> ,	<i>Prince</i> ,	<i>Yule</i> . — 30.
<i>De Salaberry</i> ,	<i>McDonald</i> , ( <i>Glen</i> .)	

## NOES.

<i>Baldwin,</i>	<i>Christie,</i>	<i>McNab, Sir A.M.</i>	<i>Small,</i>
<i>Barthe,</i>	<i>Cook,</i>	<i>Merritt,</i>	<i>Smith, (Went.)</i>
<i>Berthelot,</i>	<i>Delisle,</i>	<i>Morin,</i>	<i>Taché,</i>
<i>Borne,</i>	<i>Dunn, Hon. J. H.</i>	<i>Neilson,</i>	<i>Taschereau,</i>
<i>Boutillier,</i>	<i>Durand,</i>	<i>Parent,</i>	<i>Turcotte,</i>
<i>Chesley,</i>	<i>Hamilton,</i>	<i>Price,</i>	<i>Viger, Hon. D.B.</i>
<i>Child,</i>	<i>Hincks,</i>	<i>Raymond,</i>	(27.)

(225)

Amendment carried.

So it was carried in the affirmative.

Main Motion  
amended carried.

The question being then put upon the main motion, as amended, it was unanimously agreed to, and

*Resolved*, accordingly.Hastings Election  
Committee have leave  
to adjourn till 2nd  
August.On motion of Mr. *Merritt*, seconded by Mr. *Boswell*,*Ordered*—That the Committee appointed to try and determine the merits of the Petition of *T. Parker*, and others, of the County of *Hastings*, in the District of *Victoria*, complaining of the undue election and return of *Robert Baldwin*, Esquire, as a member to represent the County of *Hastings* in the present Parliament, have leave to adjourn until the 2d day of *August* next.Motion for referring  
Message from Legis-  
lative Council relating  
to Bill to prevent fail-  
ure of Justice in re-  
lation to the late Elec-  
tions in Lower Cana-  
da, to a Special Com-  
mittee instructed to  
prepare statement of  
grounds and reasons  
for passing said Bill.Sir *Allan McNab* moved, seconded by Mr. *Buchanan*,That the Message from the Honourable the Legislative Council, of *Wednesday* last, relating to the Bill entitled "*An Act for preventing any failure of Justice, in respect of complaints of undue Elections or Returns of Members of the Legislative Assembly of this Province at the last General Election,*" be referred to a Committee of nine members, with instructions to prepare and report, with all convenient speed, a statement of the grounds upon which this House proceeded in passing the said Bill — and that Mr. *Buchanan*, Mr. *Neilson*, Mr. *Thorburn*, Mr. *Baldwin*, Mr. *Roblin*, Mr. *Sherwood*, Mr. *Morin* and Mr. *Boswell*, do compose the said Committee, and that the 77th Rule of this House be dispensed with, in so far as relates to the appointment of this Committee.

Amendment proposed.

Mr. *Cartwright* moved in amendment, seconded by the Honourable Mr. *Moffatt*,That the documents and evidences in the possession of this House, on which this House passed the Bill entitled "*An Act for preventing any failure of Justice in respect of complaints of undue Elections or Returns of Members of the Legislative Assembly of this Province at the last General Election,*" be communicated to the Honourable the Legislative Council, by Message.<sup>1</sup>

Sir *Allan MacNab* objected to the amendment which would cast on the Council the necessity of rejecting the bill. The reasons which had guided the house in passing that measure was the belief that the petitioners had labored under a misconception of the law, and that this error had been encouraged by acts of the legislature itself. Was it not right to put the Council in possession of these facts? otherwise they would only send half the evidence, and put that honorable body in a position to reject the bill.<sup>2</sup>

Mr. *Ogden* said there could be no doubt of the right of the council to make this request, and referred to numerous precedents which could be found on the books; whereas he denied the existence of any precedent for the course recommended by Sir *Allan MacNab*. The request was for the evidence on which the bill was passed, and where was that evidence to be obtained if not in the facts before the house? It could not be supposed that the house had been influenced in passing this bill by mere opinions, but that they had proceeded upon facts, and where were these facts recorded if not on documents in the possession of the house.<sup>3</sup>

Mr. *Morin* said the house had been inclined to pass the bill on high public considerations, and therefore a declaration, through a committee, of the motives by which they had been guided was by no means singular.<sup>4</sup>



**Mr. Cook** objected to the explanation required as interfering with the privileges of the house. If the council required information they should seek for it themselves by sending for persons and papers connected with the matter.<sup>5</sup>

**Mr. Moffatt** said that the Council in making this application was not requiring the reasons which induced the house to pass the measure, but merely exercising a constitutional right to call for evidence.<sup>6</sup>

**Sir Allan MacNab** said that a great deal had been said on the course which the Council might think proper to pursue with regard to this measure, but in his opinion they would elevate rather than lower their character in the eyes of the country by passing it.<sup>7</sup>

**Mr. Small** doubted the expediency of entrusting the original documents in the hands of the Legislative Council, and thought the precedent would be a dangerous one. The grounds, he said, on which the bill had passed the house were well known to the public, and though the Council might honestly believe that voluminous documents did exist, yet there could be no doubt in the minds of the large mass of the community on the matter.<sup>8</sup>

**Mr. Baldwin** asked whether it would be showing a proper respect to the hon. body from which this request emanated to depart as far from the object of the application as would be the case if the amendment were adopted? What was required was information of the grounds on which the house had passed the bill, and then they came to the question what that evidence was. On this question he thought it rather too bad that the gentleman on the other side, a minority, should offer to state the grounds upon which they, the majority, had proceeded. He thought they should at least let them speak for themselves, and not endeavor to put words into their mouths. — They had not, he contended proceeded on the petitions which it was now proposed to send up to the Council, but on statements made in that house by hon. members, and on facts which appeared in their Journals, and which had been to some extent confirmed by the acts of the Legislature. To misrepresent their proceeding, then, would be inconsistent with the dignity of the house and yet this would be the case if the petitions only were sent up, as they had in part proceeded on other evidence, they should either not send up any, or send up what was really the true sense of the house.<sup>9</sup>

**Mr. Attorney General Draper** said he had not had the pleasure of being present when the bill was passed and therefore he could not judge of the evidence upon which the house had decided. Upon examining the preamble of the bill, however, it appeared that from facts which had been brought under the notice of the house this enactment became necessary. If there were no such facts as would demand from that house the passage of a measure of this kind, the majority had placed themselves in a predicament. It could hardly be considered an improper act in the other branch of the legislature to ask on what premises it was that you came to the conclusion which you have arrived at. The formalities of the election law not being complied with by certain electors in consequence (sic) of a supposition that that law was not in force, a majority of this house seems to have thought it necessary that this act should be passed. The evidence sought for by the council then are these facts. We are told further that they wish to know the grounds from which this house drew its conclusions. This is the first time that I ever, as a lawyer, understood facts to mean conclusions. It is possible that this may be done by the Legislative Council to give an opportunity of kicking the bill out. Now I must say, they need not have been at a loss for reasons for kicking it out; they might assign reasons sufficient. Any one who will take the trouble of reading the bill, as a legal reader and construer of statutes, will at once find that the enacting clause is merely directory and carries no consequence whatever; and therefore if reasons were wanted for kicking the bill out it furnishes sufficient of itself. I therefore conceive it was not in this spirit that the message was sent to this house, but really to acquire a knowledge of the facts, but there is one thing which I do not agree with, and for this reason I shall be compelled to divide against the amendment: I do not consider that the petitions are evidence of facts (hear, hear); they are statements, it is true, but not evidence: they are mere declaration of facts which we are hereafter to investigate. If the facts were proved by presenting these petitions I think we passed the law to little purpose. I agree with the Honourable and learned Gentleman from Hastings in believing that to ask this House its reasons for passing the measure would be, indeed, trifling with the house. On the same ground, they might send down for our

reasons for passing any public measure. I think it does not become the character and dignity of this house to give the grounds and reasons of the conclusions at which they arrive; and it would but ill sustain its reputation by admitting the right of the Council to demand these grounds and reasons. The proper way of procuring information, I apprehend, is by asking for a committee of conference. I threw out these remarks not in a spirit of opposition, as a member taking part on one side of the question or the other. I think it would be a departure from what is right. Instead of sending up matters of evidence, to send our grounds and reasons which involve principles of political consideration, would place that branch of the Legislature in a painful and unpleasant situation; they might truly say we asked for bread and you have given us a stone.<sup>10</sup>

**Sir Allan MacNab** said he regretted that the learned and hon. Attorney General for the west, had not been in his place in the house the other day; from his high regard for the privileges of the house, he (Sir Allan) was quite sure, he would have corrected any error into which they might have fallen in passing the bill. It would be recollected that he (Sir Allan) had proposed to insert in the preamble a more full and explicit statement of the grounds and reasons for passing the bill, and it had been objected to by the learned colleagues of that gentleman. (No, no) Well, there is no understanding those hon. gentlemen.<sup>11</sup>

**Mr. Ogden**; it was go with all its deformities.<sup>12</sup>

((**Mr. Baldwin**)) It cannot be said to be very deformed. Those hon. gentlemen, if they did not attempt to correct its imperfections, ought, at least, to endeavour to secure its passage in the other branch of the Legislature.<sup>13</sup>

**Mr. Cartwright** said it appeared to him it was the duty of this house to send an answer to the message of the council; and it was with this view that he (Mr. Cartwright) had proposed this amendment. The most ready method of complying with the request of the Council was by transmitting the documents which they had in their possession. If it was necessary, however, to name a Committee at all, the learned knight was perfectly correct in naming those who were most favorable to the measure.<sup>14</sup>

**Mr. Turcotte** spoke in favor of the original motion. He was opposed to the amendment.<sup>15</sup>

**Mr. Neilson** was of opinion that no precedent could be found either in the practice of the House of Lords in England, or in that of the Legislative Council of any of the Provinces, for a proceeding of this kind. In the case of public bills, or of matters relating to the privilege of the House of Commons, it was highly improper that it should be done; and the matter in question clearly falls within the latter class. However, it was the duty of that house to do every thing which is proper to maintain a good understanding with all the other branches of the Legislature, in order to carry on the business of the country with perfect harmony. He thought, therefore, it should be left to those who carried out this bill, to adopt such course as they may deem proper with regard to it.<sup>16</sup>

**Mr. Thorburn** said he also considered the matter was one which concerned the privileges of this house. He believed that it was altogether unusual for petitions to be presented to the Legislative Council, concerning contested seats in the House of Assembly.<sup>17</sup>

**Mr. Boswell** said before the question was put, he felt bound to make a few observations, for he felt himself placed in a situation of considerable difficulty in voting upon either the original motion or the amendment. In the first place, he thought every member was bound to treat the matter without reference to any vote he had given on a former occasion, (hear, hear.) The question now is altogether different; it assumes an entirely new feature. In the first place, it is a question of privilege whether the course which has been pursued by the Council in sending down this message, is a proper one. (Hear, hear.) He had himself considerable doubt as to whether such message were the correct course in relation to a bill of this nature. — (Hear, hear.) He had no doubt the Council were desirous of obtaining the evidence upon which this house proceeded. He (Mr. Boswell) had felt himself in much the same dilemma.<sup>18</sup>

**Mr. Merritt** was of opinion that the course proposed by the learned and hon. Knight was the only course which would relieve the house from the danger of collision with the Council.<sup>19</sup>

Hon. Mr. Harrison said it appeared to him that to say this matter was one of pure privilege involved a contradiction, because if it were a matter of privilege it would not be necessary to call in the assistance of the other branch of the Legislature to pass the bill. He perfectly concurred with the gallant Knight that if a committee were appointed it should consist of those who were favourable to the bill. He would, however vote for the amendment, because he thought it desirable that a courteous answer should be returned.<sup>20</sup>

Mr. Hincks said he should support the original motion. He had very strong doubts whether the Council had a right to ask for this evidence. That would be a subject for the consideration of the committee.<sup>21</sup>

(225)

The question having been put upon the motion of amendment, a division ensued, and the names being called for, they were taken down, as followeth : —

House divides on  
Question of amend-  
ment.

<i>Cameron,</i>	<i>Derbshire,</i>	<i>Holmes,</i>	<i>Robertson,</i>
<i>Cartwright,</i>	<i>Draper, Hon. W.H.</i>	<i>Johnston,</i>	<i>Steele,</i>
<i>Chesley,</i>	<i>Dunn, Hon. J. H.</i>	<i>McLean,</i>	<i>Watts,</i>
<i>Daly, Hon. D.</i>	<i>Foster,</i>	<i>Moffatt, Hon. G.</i>	<i>Williams,</i>
<i>Day, Hon. C.D.</i>	<i>Gilchrist,</i>	<i>Ogden, Hon. C.R.</i>	<i>Yule. — 23.</i>
<i>Delisle,</i>	<i>Harrison, Hon. S.B.</i>	<i>Parke,</i>	

YEAS.

<i>Armstrong,</i>	<i>Christie,</i>	<i>Parent,</i>	<i>Smith, (Fron.)</i>
<i>Baldwin,</i>	<i>Cook,</i>	<i>Powell,</i>	<i>Smith, (Went.)</i>
<i>Barthe,</i>	<i>Durand,</i>	<i>Price,</i>	<i>Sherwood,</i>
<i>Berthelot,</i>	<i>Hincks,</i>	<i>Prince,</i>	<i>Taché,</i>
<i>Borne,</i>	<i>McNab, Sir A.N.</i>	<i>Quesnel,</i>	<i>Thompson,</i>
<i>Boswell,</i>	<i>Merritt,</i>	<i>Raymond,</i>	<i>Thorburn,</i>
<i>Boutillier,</i>	<i>Morin,</i>	<i>Roblin,</i>	<i>Turcotte,</i>
<i>Buchanan,</i>	<i>Neilson,</i>	<i>Ruel,</i>	<i>Viger, Hon. D.B.</i>
<i>Burnet,</i>	<i>Noel,</i>	<i>Small,</i>	<i>Woods. — 37.</i>
<i>Child,</i>			

NOES.

So it passed in the negative.

(226)

The question being then put upon the main motion, a division also ensued, and the names being called for, they were taken down, as followeth : —

House divides on  
main motion.

<i>Armstrong,</i>	<i>Christie,</i>	<i>Parent,</i>	<i>Smith, (Front.)</i>
<i>Baldwin,</i>	<i>Cook,</i>	<i>Powell,</i>	<i>Smith, (Went.)</i>
<i>Barthe,</i>	<i>Durand,</i>	<i>Price,</i>	<i>Sherwood,</i>
<i>Berthelot,</i>	<i>Hincks,</i>	<i>Prince,</i>	<i>Taché,</i>
<i>Borne,</i>	<i>McNab, Sir A.N.</i>	<i>Quesnel,</i>	<i>Thompson,</i>
<i>Boutillier,</i>	<i>Merritt,</i>	<i>Raymond,</i>	<i>Thorburn,</i>
<i>Buchanan,</i>	<i>Morin,</i>	<i>Roblin,</i>	<i>Turcotte,</i>
<i>Burnet,</i>	<i>Neilson,</i>	<i>Ruel,</i>	<i>Viger, Hon. D.B.</i>
<i>Child,</i>	<i>Noel,</i>	<i>Small,</i>	<i>Woods. — 36.</i>

YEAS.

NOES.

<i>Boswell,</i>	<i>Delisle,</i>	<i>Harrison, Hon. S.B.</i>	<i>Parke,</i>
<i>Cameron,</i>	<i>Derbshire,</i>	<i>Holmes,</i>	<i>Robertson,</i>
<i>Cartwright,</i>	<i>Draper, Hon. W.H.</i>	<i>Johnston,</i>	<i>Steele,</i>
<i>Chesley,</i>	<i>Dunn, Hon. J.H.</i>	<i>McLean,</i>	<i>Watts,</i>
<i>Daly, Hon. D.</i>	<i>Foster,</i>	<i>Moffatt, Hon. G.</i>	<i>Williams,</i>
<i>Day, Hon. C.D.</i>	<i>Gilchrist,</i>	<i>Ogden, Hon. C.R.</i>	<i>Yule. — 24.</i>

Main motion carried.

So it was carried in the affirmative, and  
*Resolved*, accordingly.



Victoria College Bill  
read third time and  
passed.

An engrossed Bill to incorporate the *Upper Canada Academy* under the name and style of "*Victoria College*," was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Boswell* do carry the said Bill to the Legislative Council and desire their concurrence.

Societies Lands Bill  
read the third time  
and passed.

An engrossed Bill to enable Religious Societies of all denominations of Christians to hold the lands requisite for certain purposes therein mentioned, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Williams* do carry the said Bill to the Legislative Council and desire their concurrence.

Bill to enable Ministers of all denominations to solemnize matrimony read third time and passed.

An Engrossed Bill to enable the Ministers of all denominations of Christians to Solemnize Marriage, under certain restrictions, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Small* do carry the said Bill to the Legislative Council, and desire their concurrence.

Members seats  
vacation Bill read  
third time and passed.

An engrossed Bill to enable members of the Legislative Assembly, for places within that part of the Province formerly constituting the Province of *Upper Canada*, to vacate their seats in certain cases, and for other purposes, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Small* do carry the said Bill to the Legislative Council, and desire their concurrence.

Bill for payment of  
Claims read third  
time and passed.

An engrossed Bill to amend and enlarge an Act of the Legislature of the late Province of *Upper Canada*, entitled "*An Act to ascertain and provide for the payment of all just claims arising from the late Rebellion and Invasions of this Province*," was read for the third time.<sup>22</sup>

**Mr. Johnston** moved that the Bill be recommitted for the purpose of amending the same, by adding a clause to prohibit the granting of compensation to the proprietors of the steam boat *Sir Robert Peel*. Since the destruction of that steamer took place, the chance of obtaining payment had been made a matter of speculation. The stock had been transferred from hand to hand, and the parties were not entitled to remuneration.<sup>23</sup> It would be unjustly burthening the country with an item of £7000 which had no right to be paid.<sup>24</sup>

**Col. Prince** said he could not comprehend why compensation should not be paid for the loss of the *Sir Robert Peel*, as well as of any loss which occurred upon the waters. All losses of that description were contemplated by the Bill. If that vessel had not been destroyed by brigands, the Commissioners will of course reject the claim for compensation. — It is a matter to be determined by the Commissioners themselves. The act embraces all losses sustained upon the water, and to make exception of this vessel would be most invidious, unjust and improper.<sup>25</sup>

**Mr. Baldwin** said he must certainly coincide with the remarks of the hon. gentleman from *Essex* with regard to the *Sir Robert Peel*. He could see no reason why that should be made an exception. — There was no evidence before the House to warrant them in coming to such a conclusion. Other hon. members might rise and object to particular cases, and by allowing all such objections to prevail, the whole intent of the bill would be frustrated. (Hear, hear.) It is to be presumed that the Commissioners will do their duty faithfully, and decide upon all cases impartially. If there are any circumstances which ought to preclude the owners of the *Sir Robert Peel* from receiving payment, the Commissioners are the proper persons to adjudicate upon the matter.<sup>26</sup>

**Mr. Hincks** spoke to the same effect.<sup>27</sup>

**Mr. J. S. Macdonald** said he could not discover the propriety of the hon. gentleman's motion. — The proprietors of the steamer *Sir Robert Peel*, he was aware, had petitioned the Home Government without success, and he believed they were entitled to the consideration of that house. He (Mr. McDonell) well remembered the events of that night on

which the vessel was captured, and well he might, having been a participator in the calamity.<sup>28</sup>

**Mr. Johnston.** — The hon. gentleman is very charitable indeed. He says the Home Government have refused to acknowledge the claim, and therefore we ought to admit it! The bill is the production of the hon. and learned gentleman from Essex, and I confess I am at a loss to understand from it what description of losses are to be compensated. — Whether it be the horse which carries the man to the battle or which enables him to fly from the battle, I would like to hear the hon. gentleman state whether the Peel is one of those losses which are to be comprehended within its provisions.<sup>29</sup>

**Col. Prince** said with permission of the House, as he had been called upon by the hon. gentleman, he would state for the information of the hon. gentleman that, although he was the one who had drawn up the Bill, yet when a bill was adopted by the House it was no longer the bill of the member who had drafted it, but the Act of the House. It was the Act of the Province at large. He (Colonel Prince) was sorry that the intellects of the hon. gentleman did not enable him to understand a plain enactment — so plain that he who runs may read. — And he who reads, if possessed of common sense, may understand.<sup>30</sup>

**Mr. Small** remarked that he had drawn up the motion for the hon. gentleman (Mr. Johnston) with a view of trying the sense of the House upon it, as he found that the House were against it, he trusted the hon. gentleman would now withdraw it. — (Hear, hear.)<sup>31</sup>

The Speaker ((**Mr. Cuvillier**))... decided upon the irregularity of proposing an amendment in the third stage of a bill...<sup>32</sup>

**Mr. Johnston** moved for leave to withdraw the motion.<sup>33</sup>

(226)

*Resolved* — That the Bill do pass.

*Ordered* — That **Mr. Prince** do carry the said Bill to the Legislative Council, and desire their concurrence.

(227)

An engrossed Bill to incorporate the Ladies Benevolent Society of *Montreal*, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That the Honourable **Mr. Moffatt** do carry the said Bill to the Legislative Council, and desire their concurrence.

Bill incorporate  
Ladies Benevolent  
Society of Montreal  
read third time  
and passed.

*Petitions read.*

Of Rev. Jos. Abbott  
and others.

Of Rev. Wm. Muir  
and others.

Of Joseph Huston  
and others.

Of Thos. Hains  
and others.

Of Thomas Barron  
& others.

Of Wm. Ginger.

Pursuant to the Order of the day, the following Petitions were read : —

Of the Reverend *Joseph Abbott*, and other Protestant Inhabitants of the Township of *Grenville*, praying for the establishment of Schools, and that the Bible may be used as a Class Book in the said Schools.

Of the Reverend *William Muir*, and others, of the Township of *Chatham*, in the County of *The Lake of Two Mountains*, praying for the promotion of Education in the Province, and assistance for a School in the 3d Range, in the Township of *Chatham*.

Of *Joseph Huston*, and others, of the Township of *Chatham*, in the County of *The Lake of Two Mountains*, praying for assistance for a Common School, and the promotion of education throughout the Province.

Of *Thomas Hains*, and others, inhabitants of the townships of *Grenville* and *Chatham*, praying that the Act 6 WILL. 4, Cap. 17, entitled, "*An Act to provide for the summary trial of small causes*," be revived.

Of *Thomas Barron*, and others, of the county of *The Lake of Two Mountains*, praying for the renewal of an Act repealed, entitled "*An Act for the summary trial of small causes*."

Of *William Ginger* of *Quebec*, praying that a pension may be granted to him for past services.

Of Thos. Carr and others.

Of *Thomas Carr*, and others, of the township of *Otanabee*, praying for a sum of money to construct an embankment over the river *Otanabee*.

Of John Bonner and William Petry.

Of *John Bonner*, and *William Petry*, of *Quebec*, respecting a Patent for land in free and common Soccage, and praying relief.

Of Alfred Todd, T. Patrick & Charles FitzGibbon.

Of *Alfred Todd*, *Thaddeus Patrick*, and *Charles Fitzgibbon*, Clerks in the office of the Clerk of the Legislative Assembly, stating that in consequence of the consolidation of the offices of the two Legislatures of *Upper* and *Lower Canada*, the permanent Clerks of both Houses of Assembly have been considered too many for the duties required in the office of the present Legislative Assembly, thereby depriving Petitioners of the standing they formerly held in the office of the House of Assembly of *Upper Canada*, and praying relief in the premises.

Of Jos. B. Clench, Chairman of Quarter Sessions London District.

Of *Joseph B. Clench*, Chairman of the Quarter Sessions of the District of *London*, praying for an additional sum to that already granted, for the completion of a new Gaol in the Town of *London*.

Of David Annis.

Of *David Annis*, of the township of *Whitby*, protesting against an application to incorporate a Harbour Company in the *Eastern* part of the Township, the applicants having included Lot No. 5, his own property.

Of Geo. Adams and others.

Of *George Adams*, and others, Trustees to macadamize the main road from *Queenston* to *Grimsby*, praying for an aid to complete said road.

Of C. S. Ruttan.

Of *C. S. Ruttan*, and others, of the Townships of *Eldon*, *Mariposa*, and other places, praying for a grant of money to improve the road from *Talbot* river to *Sydenham* Harbour.

Of the Ladies managers of Male Orphan Asylum of Quebec.

Of the ladies Managers of the Male Orphan Asylum of *Quebec*, praying for an aid towards the support of that Institution.

Of Marcus F. Whitehead and others.

Of *M. F. Whitehead* and others, members of the Mechanics' Institute at *Port Hope* in the district of *Newcastle*, praying for a grant of £40 in support of their Institution.

Petition of David Annis referred.

Ordered — That the Petition of *David Annis*, of the Township of *Whitby*, be referred to the Select Committee to which was referred the

(228)

Petition of *A. M. Farewell*, *Abraham Butterfield*, and others, of the townships of *Whitby* and *Darlington*.

On motion of the Honourable Mr. *Moffatt*, seconded by Mr. *Holmes*,

Petition of Board of Trade Montreal referred to a Special Committee.

Resolved — That the Petition of the Board of Trade of *Montreal*, praying for a grant of money to improve the Channel in Lake *St. Peter*, be referred to a Committee of seven members, consisting of the Honourable Mr. *Killaly*, Mr. *Neilson*, Mr. *Dunscomb*, Mr. *Quesnel*, Mr. *Buchanan*, and Mr. *Merritt*, to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers, and records, and that the 77th Rule of this House be dispensed with, in so far as relates to the appointment of this Committee.

Special Committee report on Petition of inhabitants of Saguenay a Bill relating to Winter Vehicles, which was read first time.

Mr. *Parent*, from the Special Committee to which was referred that part of the Petition of divers inhabitants of the county of *Saguenay*, relating to Winter Vehicles, with power to report by Bill or otherwise, presented to the House a Bill to exempt the inhabitants of the county of *Saguenay* from the operation of certain ordinances therein mentioned, which was received and read for the first time.

Second reading Wednesday.

Ordered — That the said Bill be read a second time on *Wednesday* next.

Statement of probable Revenue and expenditure to be printed.

The Honourable Mr. *Harrison* moved, seconded by Mr. Solicitor General *Day* — That 200 copies of the statement of the probable revenue and expenditure of the Province, and estimate of expenditure to 31st *December*, 1841, laid before the House on the 20th instant, be printed in each of the *French* and *English* languages, for the use of the members of this House.



The question having been put upon the said motion, a division ensued, and it was carried in the affirmative.

*Ordered* — Accordingly.

On motion of the Honorable Mr. *Harrison*, seconded by Mr. Solicitor General *Day*.

*Ordered* — That the time fixed by the order of this House of the 28th *June* last, for taking into consideration the Petitions of Electors of the 2nd. Riding of the County of *York*, and of *Connell James Baldwin*, Esquire, complaining of the undue Election and Return of *George Duggan*, Esquire, be extended until *Monday* the 16th day of *August* next.

On motion of the Honorable Mr. *Viger*, seconded by Mr. *Baldwin*,

*Ordered* — That the order of the day for the House in Committee on the report of the Select Committee to which was referred the Petition *Felix Lussier*, Esq., and others, Proprietors and Inhabitants of the County of *Verchères*, and other references, lost by the adjournment of yesterday, be revived, and that this House will, on *Friday* next, resolve itself into the said Committee.

On motion of Mr. Solicitor General *Day*, seconded by the Honorable Mr. *Harrison*,

*Ordered* — That the order of the day for the House in Committee on the Bill to repeal certain ordinances therein mentioned, and to establish a Board of Works in this Province, — lost by the adjournment of the House of *Thursday* last, be revived, and that this House will, on *Tuesday* next, resolve itself into the said Committee, and that it be then the first order of the day.

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On motion of the Honorable Mr. *Harrison*, seconded by Mr. Solicitor General *Day*,

*Ordered* — That the order of the day for the House in Committee on the Bill to secure and confer upon certain Inhabitants of this Province, the civil and political rights of natural born *British* Subjects, lost by the adjournment of the House of yesterday, be revived, and that this House will on *Tuesday* next, resolve itself into the said Committee.

On motion of the Honorable Mr. *Harrison*, seconded by Mr. Solicitor General *Day*,

*Ordered* — That the order of the day for the House in Committee on the Bill to repeal the Laws now in force in that part of this Province formerly called *Upper Canada*, for the recovery of small debts, and to make other provisions therefor, lost by the adjournment of the House of yesterday, be revived, and that this House will, on *Tuesday* next, resolve itself into the said Committee.

On motion of the Honorable Mr. *Harrison*, seconded by Mr. *Merritt*,

*Ordered* — That the order of the day for the House in Committee to take into consideration the expediency of granting a sum of money to purchase the private shares in the *Welland* Canal, lost by the adjournment of the House of yesterday, be revived, and that this House will, on *Tuesday* next, resolve itself into the said Committee.

*Ordered* — That Mr. *Roblin*, have leave to bring in a Bill to grant authority to licensed Surveyors to administer an oath in certain cases, and to protect them while in the discharge of their duty, in surveying lands.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Wednesday* next.

Time for considering the matter of the York contested election postponed till 16th August.

Order of Day for Committee of whole on Report of Select Committee on Petition of *Lelix Lusier* and others revived.

Order of Day for Committee of whole on Board of Works Bill, revived to be 1st Order on Tuesday next.

Order of the day for Committee of whole on Civil rights Bill revived.

Order of the day for Committee of whole on small debts Bill, revived.

Order of day for Committee of whole on the purchasing private shares of Welland Canal stock revived.

Bill granting authority to licensed Surveyors to administer an oath brought in and read 1st., time.

Second reading Wednesday next.

House to go into  
Committee of whole  
on Boundary line  
Commissioners Law,  
on Monday next.

On motion of Mr. *Roblin*, seconded by Mr. *Johnston*,

*Resolved* — That this House will, on *Monday* next, resolve itself into a Committee of the whole House to take into consideration the propriety of amending the Laws now in force respecting the Boundary line Commissioners within the *Western* part of *Canada*.

On motion of Mr. *Merritt*, seconded by Mr. *Thorburn*,

*Resolved* — That the Message of His Excellency, the Governor General, in answer to the address of this House of the 14th instant, on the subject of an address of the House of Assembly of *Upper Canada*, relating to the introduction of the products of the Province into the Ports of *Great Britain* free of duty, be referred to a Committee composed of the Honorable Mr. *Harrison*, Mr. *Morin*, Mr. *Prince*, the Honorable Mr. *Moffatt*, Mr. *Roblin*, Mr. *Borne*, Mr. *Powell*, Mr. *Taschereau*, and Mr. *Thompson*, to report thereon, from time to time; with power to send for persons, papers, and records, and that the 77th rule of this House, be dispensed with in so far as relates to the appointment of this Committee.

Message of His  
Excellency the  
Governor General,  
relating to the  
admission of the pro-  
ducts of this Province  
into the Ports of  
Great Britain, free of  
duty, referred to  
Committee.

Mr. *Hincks* approved of the plan taken by the member for Lincoln (N. Riding) — it was a matter presenting no new feature.<sup>34</sup>

Mr. *Harrison* preferred a committee of the whole.<sup>35</sup>

Mr. *Merritt* said the advantage of a select committee was, that resolutions might be drawn up. Upon the motion of same hon. member, the committee for inquiring into the prices of the various water communications, was consolidated into same select committee.<sup>36</sup>

(229)

On motion of Mr. *Prince*, seconded by Mr. *Thorburn*,

*Ordered* — That the further consideration of the Petition of *Alphonso Wells*, Esquire, presented to the House on the 25th of *June* last, complaining of the undue Election and return of *Stephen Sewell Foster*, Esquire, as a Member for the County of *Shefford*, be discharged, the Petitioner having desired that it should be so discharged.

Petition against the  
election of Doctor  
Foster discharged.

On motion of Mr. *Prince*, seconded by Mr. *DeSalaberry*,

*Ordered* — That the order of this House of the 15th instant, "That the Petitioners against the late Election for the County of *St. Maurice*

Order of House for  
delivering to Clerk  
list of the witnesses  
required in the mat-  
ter of the contested  
election for *St. Maurice*  
extended to  
2nd August next.

(230)

"*rice*, and also the sitting Member, do deliver to the Clerk of this House, on or before the 24th day of *July* instant, a list of the Witnesses whom they mean to produce on the trial of the said controverted Election," be extended until the 2nd day of *August* next.

When House ad-  
journs it will adjourn  
until Monday next.

Mr. *Henry Smith* moved, seconded by Mr. *Taschereau*, that when this House doth adjourn, it will adjourn until *Monday* next.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth :

YEAS.

<i>Baldwin</i> ,	<i>De Salaberry</i> ,	<i>Moffatt</i> , Hon. G.	<i>Ruel</i> ,
<i>Barthe</i> ,	<i>Dunscomb</i> ,	<i>Moore</i> ,	<i>Smith</i> , (Fron.)
<i>Berthelot</i> ,	<i>Foster</i> ,	<i>Morin</i> ,	<i>Sherwood</i> ,
<i>Borne</i> ,	<i>Gilchrist</i> ,	<i>Neilson</i> ,	<i>Taché</i> ,
<i>Boswell</i> ,	<i>Harrison</i> , Hon. S.B.	<i>Noel</i> ,	<i>Taschereau</i> ,
<i>Buchanan</i> ,	<i>Hincks</i> ,	<i>Price</i> ,	<i>Viger</i> , Hon. D.B.
<i>Cameron</i> ,	<i>Holmes</i> ,	<i>Prince</i> ,	<i>Watts</i> ,
<i>Cartwright</i> ,	<i>MacNab</i> , Sir A.N.	<i>Quesnel</i> ,	<i>Woods</i> . — 33.
<i>Day</i> , Hon. C.D.			

## NOES.

<i>Armstrong,</i>	<i>Durand,</i>	<i>Merritt,</i>	<i>Small,</i>
<i>Boutillier,</i>	<i>Johnston,</i>	<i>Parent,</i>	<i>Thompson,</i>
<i>Burnet,</i>	<i>Macdonald, (Glen.)</i>	<i>Raymond,</i>	<i>Thorburn,</i>
<i>Christie,</i>	<i>McLean,</i>	<i>Roblin,</i>	<i>Williams. — 17.</i>
<i>Cook,</i>			

So it was carried in the affirmative and,  
*Ordered — Accordingly.*

On motion of Mr. *Boutillier*, seconded by Mr. *Taschereau*.

Address to be sent  
to His Excellency, for  
information in rela-  
tion to Stipendiary  
Magistrates, Police  
officers, &c.

*Resolved* — That an humble address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a statement of the number of Stipendiary Magistrates who have been appointed and employed, and of the Police Officers and men employed since its establishment in that part of the Province lately *Lower Canada*; and also a statement of the several localities, in which such Magistrates, Officers, and Men, have been stationed, and of the annual expense of the Police establishment generally.

*Ordered* — That the said address be presented to His Excellency by such Members of this House as are of the Honourable the Executive Council of this Province.

Warehousing Bill  
read a second time.

A Bill to extend the benefit of the warehousing system, established by a certain Act of the Imperial Parliament, passed in the Session held in the 3d and 4th years of His late Majesty's Reign, to duties imposed by Provincial Acts, was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Friday* next.

Motion for House to  
go into Committee  
on Timber Trade.

Mr. *Cameron* moved, seconded by Mr. *Price*, that the Order of the day for the House in Committee to take into consideration the Petition of *William Walker*, and other Inhabitants, of the City of *Quebec*, relating to the Timber Trade, be read, and that this House do now resolve itself into the said Committee.

Lost.

The question having been put upon the said motion, a division ensued, and it was carried in the negative.

(231)

Mill dam Bill read  
second time.

A Bill to settle by a more easy and less expensive mode, than now by Law exists, the damages which have been, or may hereafter be, sustained by the proprietors of Land overflowed by means of the erection of Mill-Dams, was, according to order, read a second time,

Referred to Com-  
mittee of whole on  
Wednesday.

*Ordered* — That the said Bill be referred to a Committee of the whole House, on *Wednesday* next.

Ballot Bill read  
second time.

A Bill to authorize the voting by Ballot was, according to order, read a second time.

Bill referred to Com-  
mittee of whole on  
Wednesday.

Mr. *Small* moved, seconded by Mr. *Parent*, that the said Bill be referred to a Committee of the whole House on *Wednesday* next.

The Question having been put upon the said motion, a division ensued, and it was carried in the affirmative.

*Ordered* — Accordingly.

Bill for relief of dis-  
abled & infirm per-  
sons read second time.  
Motion to refer Bill  
to a Committee  
of whole lost.

A Bill for the relief of disabled and infirm persons, was, according to order, read a second time.

Mr. *Merritt* moved, seconded by Mr. *Roblin*, that the said Bill be now referred to a Committee of the whole House.

The house was not desirous at this period of going into committee upon it.<sup>37</sup>

Mr. *Merritt*, who had introduced the bill ... ((made some observations)).<sup>38</sup>



**Mr. Boswell** said, that no one here in Canada, could be said to be in such a *very* distressed and starving condition.<sup>39</sup>

**Mr. J.S. Macdonald** remarked, that in Glengary the infirm poor were liberally supported, — he wished that in other parts of the country it was the same.<sup>40</sup>

**Mr. Merritt** said it was not contemplated to provide for the lazy and worthless, but for those who were incapable of making a provision for themselves, and who now were wholly at the mercy of the cold hand of charity.<sup>41</sup>

**Mr. Cameron** said if a bill was properly drawn with reference to such a class, he had no doubt but it would be well received by the house — but according to his version of some of the clauses, he considered the present one as a virtual introduction of the poor law.<sup>42</sup>

**Mr. Neilson** said, that in Lower Canada (that was,) a true spirit of charity existed, preserving a noble feeling of sympathy between the rich man and his poor neighbour.<sup>43</sup>

**Mr. Small** suggested that the measure should be postponed, till the Municipal Corporation Bill which would probably include such provision.<sup>44</sup>

**Mr. Thorburn**, as an argument in favor of the Bill, adduced an instance of a helpless idiot girl, who had been thrown upon the support of a charitable individual, who was incapable of continuing it, consequently he himself had been applied to; he found, however, that there were no means of providing her with relief. As regarded poor houses, he did not think they would be countenanced, on the objection of persons being supported by them who were undeserving of it.<sup>45</sup>

**Mr. Williams** maintained, that the grand juries of sessions, awarded relief out of the district treasuries.<sup>46</sup>

**Mr. Harrison** — with respect to so serious a consideration as establishing a precedent in favour of the poor law, recommended to postpone the measure, until the District Councils were taken up.<sup>47</sup>

**Mr. Viger** reprobated any system of compulsory charity being introduced into the late Province of Lower Canada....<sup>48</sup>

**Mr. Baldwin** ... ((was)) of opinion that any measure repugnant to the feelings of the inhabitants would not work well. The poor law especially he had an antipathy to.<sup>49</sup>

**Sir Allan MacNab** remarked, that the member for Hastings, coming from Toronto, where there was an excellent hospital well supported — he felt, no doubt, some little indifference on the subject as regarded other parts of the province.<sup>50</sup>

**Mr. Sherwood** was desirous that every part of the Province should support its own poor.<sup>51</sup>

The house still ((showed)) no desire to entertain the motion....<sup>52</sup>

(231)

The question having been put upon the said motion, a division ensued, and it passed in the negative.

The order of the day for the House in Committee to take into consideration the propriety of repealing or amending certain parts of an Act of the Parliament of the late Province of *Upper Canada*, intituled "*An Act to alter the mode of payment of wages to Members of the House of Assembly*," being read.

The House accordingly resolved itself into the said Committee.

Mr. Roblin, took the Chair of the Committee.<sup>53</sup>

**Mr. Small** said, that it was consistent both with justice and propriety that the representatives, of the people should receive some compensation for their services. In a colony like this, many men might be elected to a seat in parliament, whose means were not very ample — expence (sic) to them, was therefore an object. He knew it would be objected to by some — that under these circumstances, they should not offer themselves — such a ...

House goes into Committee on Bill for remuneration of Members.

((plea)) would go to exclude all who were not fortunate enough to be rich men. It was his desire, therefore, that a bill should be framed upon certain resolutions embracing the United Province, and that a certain allowance should be voted, to be defrayed out of the politic expenditure.<sup>54</sup>

**Mr. Baldwin** coincided with the hon. member, that whatever was fixed upon should be paid out of the general revenue.<sup>55</sup>

**Mr. Boswell** dit qu'il voterait pour la résolution, parce qu'il était juste que les membres de cette chambre fussent tous sur le même pied. Il différerait cependant d'opinion avec l'hble. membre pour Oxford, quant au mode de payement. Il désirait que l'on comprit qu'il ne s'agissait que d'un salaire, que comme les membres servaient leurs constituans (sic) ils devraient être payés. Le Bas-Canada en retirerait peut être un plus grand avantage, ayant un plus grand nombre d'électeurs; mais il était d'opinion que ceux qui envoyaient des personnes pour les représenter, payeraient volontiers pour leurs services.<sup>56</sup>

**M. Moffatt** s'opposait au payement pris sur les fonds publics. Il doutait si la chambre pouvait s'occuper d'une semblable mesure.<sup>57</sup>

**M. Harrison** était en principe contre l'indemnité des membres, mais il croyait cette mesure nécessaire dans les circonstances actuelles. Ce payement devait être fait à même les fonds des districts représentés. Il pensait qu'il était incompatible à la dignité de la chambre tenant les cordons de la bourse, d'y plonger la main pour en rémunérer ses membres.<sup>58</sup>

**M. Viger** dit que les membres étaient les serviteurs de toute la province et comme tels devaient être payés sur les fonds publics.<sup>59</sup>

**M. Watts** l'hble. membre d'un des Quartiers (*Ridings*) de York a dit que par le non-payement des membres, la représentation serait laissée entre les mains de l'aristocratie. Il demanderait à ce Monsieur en quelle (sic) mains il voulait confier la représentation, entre celles des propriétaires, ou de ceux qui n'ont rien. Il pensait que si les représentans (sic) ne pouvait (sic) servir gratuitement, ils devaient s'abstenir d'offrir leurs services.<sup>60</sup>

**Mr. Johnston** remarked, that the representatives of the people, though designated by some to be their servants, he thought might be looked upon rather as their masters. He approved of a compensation being given.<sup>61</sup> Il ne parlait pas seulement pour lui-même. 20 piastres par jour ne payeraient pas leur perte de tems, leurs dépenses à Kingston, la métropole du Canada.<sup>62</sup>

**Mr. Price** était en faveur d'une certaine indemnité, mais il pensait qu'aucune somme ne pourrait indemniser les membres. Quel avantage était-ce pour lui de laisser sa maison ses affaires pendant 3 à 4 mois pour aller au loin s'occuper des affaires du pays? C'était bien assez de laisser sa famille.<sup>63</sup>

**Mr. Moffatt** said, that the more independent members were, the less would they be liable to be influenced by the Government.<sup>64</sup>

**Mr. Hincks** espérait que l'exécutif recommanderait cette mesure, et il espérait que les subsides seraient refusés jusqu'à ce que cette recommandation eut été faite. Il ne pouvait s'imaginer que les membres de l'exécutif payés par le peuple pussent mépriser l'opinion des représentans du peuple (sic). Il pensait que ce payement devait être fait à même les fonds publics.<sup>65</sup>

**Mr. Moffatt** admired the candour of Mr. Hincks, who, as one of the champions of reform, now advocated the withholding the supplies until this principle should formally be recognized by the government.<sup>66</sup>

**Mr. Morin** had no desire to grasp at the public money, but was of opinion that a grant so reasonable as this had as much right to come out of the public chest as the salaries of the government officers.<sup>67</sup>

**Mr. Parent** était surpris d'entendre énoncer dans cette chambre qu'il fut inconstitutionnel de payer les membres. Il prétendait qu'il était beaucoup plus constitutionnel de

payer les membres à même les fonds publics que sur les fonds locaux des comtés. Ils étaient les représentants de toute la province, et comme tels ils devaient être payés par la province. Les comtés peu étendus auraient une très grande difficulté et trouveraient fort dur de payer leurs représentants ainsi que leurs frais de voyage. C'était d'ailleurs une question assez intéressante pour la liberté du peuple, si les membres seraient payés par la province entière, ou par leurs électeurs respectifs. Il est facile au riche de se rendre ici mais comme ceux qui sont dans des circonstances peu aisées ne peuvent supporter ces dépenses il s'en suivra que les riches accaparaient la représentation entière.<sup>68</sup>

**Mr. Baldwin** ajouterait une seule remarque, c'est que les membres devraient faire payer ceux qui ont voté pour eux.<sup>69</sup>

**Mr. Christie** dit que la remarque de l'hble. membre pour Oxford au sujet du refus des subsides était correcte que la chambre devait adopter une mesure de cette nature.<sup>70</sup>

**Mr. Draper** (if he was heard aright) argued against it, on the score of precedent and unconstitutionality.<sup>71</sup>

**Mr. Sherwood** dit que ce serait une mesure facile, vu que le gouvernement a pourvu à ce cas, en prenant ce qu'il lui fallait.<sup>72</sup> Mr. Sherwood preferred that the public fund should be drawn upon for this purpose — not that a local assessment should be made.<sup>73</sup>

**Mr. Dunscomb.** — Cette question n'était pas nouvelle elle avait déjà été discutée ailleurs et avait attirée l'attention des plus habiles écrivains. Il n'avait entendu qu'un seul argument en faveur de cette mesure, et il défiait de le renverser; c'est que cette mesure offrait au peuple un vaste champ dans le choix de ses représentants (sic).<sup>74</sup> Mr. Dunscombe quoted a high authority, (Sir Jeremy Bentham's,) showing that by this means, the people had a wider field to choose their representatives.<sup>75</sup>

**Mr. Hincks**, dit qu'il concourait dans ce qu'avait dit l'hble. membre pour Beauharnois.<sup>76</sup>

**Mr. Merritt** était en faveur de la mesure, mais il ne pouvait concilier la conduite actuelle des membres avec celle qu'ils avait montrée quelques instants avant, lors de la pétition pour le soulagement des personnes pauvres et infirmes et qu'ils avaient refusé de référer à un comité. Et maintenant cette chambre votait des argens (sic) pour se payer elle-même.<sup>77</sup>

**Mr. Small** proposa la seconde résolution comportant que les membres seraient payés 15s. par jour et les frais de transport à raison de 20 milles par jour.<sup>78</sup>

The first and second resolutions were then carried, embodying the expediency of repealing the law of Upper Canada, and enacting one for the province generally, providing that members should be paid for their parliamentary services at the rate of 15s. currency per day, allowing time for travelling at the opening and close of the session at the rate of 20 miles per day — the Speaker issuing his warrant for the clerk to make the necessary returns. — <sup>79</sup>

(231)

and after some time spent therein,

Mr. Speaker resumed the Chair,

Committee reports  
Resolutions.

And Mr. Roblin, reported that the Committee had come to several Resolutions which he was directed to submit to the House whenever it shall be pleased to receive the same.

Report to be received  
on Monday next.

*Ordered* — That the report be received on *Monday* next.

House goes into Com-  
mittee on Canada  
Fire Assurance  
Company Bill.

The Order of the day for the House in Committee on the Bill for incorporating the *Canada* Fire Assurance Company, being read.

The House accordingly resolved itself into the said Committee.

Mr. Durand, took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Durand reported that the Committee had gone through the Bill without making any amendment thereto, and the report was again read at the Clerk's table.

Bill reported amended  
and ordered to be  
engrossed.

Mr. Dunscomb moved, seconded by Sir Allan MacNab, that the said Bill be engrossed.



The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth :

## YEAS.

<i>Baldwin,</i>	<i>Derbshire,</i>	<i>Hincks,</i>	<i>Quesnel,</i>
<i>Boswell,</i>	<i>Draper, Hon. W.H.</i>	<i>Johnston,</i>	<i>Roblin,</i>
<i>Boutillier,</i>	<i>Dunscomb,</i>	<i>McNab, Sir A.N.</i>	<i>Small,</i>
<i>Buchanan,</i>	<i>Durand,</i>	<i>McLean,</i>	<i>Sherwood. — 19.</i>
<i>Cameron,</i>	<i>Harrison, Hon. S.B.</i>	<i>Moffatt, Hon. G.</i>	

## NOES.

<i>Neilson,</i>	<i>Thorburn,</i>	<i>Viger, Hon. D.B. — 3.</i>
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(232)

So it was carried in the affirmative, and —

*Ordered* — Accordingly.

The order of the day for the House in Committee to take into consideration the Petition of *William Walker*, and other inhabitants of the city of *Quebec*, relating to the Timber Trade being read —

*Ordered* — That the said order be postponed until *Monday* next, and that it be then the first order of the day.

The names of the members present were taken down as followeth : —

Mr. Speaker,

Mr. *Baldwin*, Mr. *Boutillier*, Mr. *Derbshire*, Mr. Attorney General *Draper*, Mr. *Dunscomb*, Mr. *Hincks*, Mr. *McLean*, Mr. *Neilson*, Mr. *Quesnel*, Mr. *Roblin*, Mr. *Sherwood*, Hon. Mr. *Viger*.

And at 20 minutes past midnight Mr. Speaker adjourned the House for want of a Quorum.

## Appendix, 23 July 1841.

## ((Notice of Proposed Motion.))

Mr. *Price* read (with reference to the composition) a harrowing petition in allusion to the Orange riots a short time ago, and gave notice thereon for Monday next.<sup>80</sup>

## ((Withdrawn Motion Re : Committee on Supply.))

Mr. *Harrison* moved, that on Thursday next the house resolve itself into committee of supply, on the statement of revenue and expenditure, with reference to His Excellency's message to the house.<sup>81</sup>

Sir *Allan MacNab* suggested that a committee of finance should be appointed, that they might have time to examine the necessary statements.<sup>82</sup>

Mr. *Hincks*, preferred a committee of the whole.<sup>83</sup>

Mr. *Harrison* had based his motion on His Excellency's message. He was also desirous as much as possible to conform to British practice, — to meet the wishes of the house however, he consented to withdraw his motion.<sup>84</sup>

((Discussion on Alleged Contempt of Parliament by Newspaper.))<sup>85</sup>

Col. *Prince* rose for the purpose of bringing under the notice of the House a paragraph which had been published in a certain newspaper. — (Cries of "name, name.") — The *Montreal Herald*. He desired to ask if a committee of privilege had been struck, if not he thought that it should be done, that there might be a tribunal to take cognizance of subjects of this nature. When the publisher of a newspaper allows himself to be guilty of a contempt such as the one as to which he now referred, (and he would take the liberty of reading the article to the House,) it should not be permitted to pass unnoticed by that House. — There was no man in this province who was a more staunch supporter

Order of day for Committee of whole on Petition of W. Walker and others postponed until Monday.

of the liberty of the Press than himself, but he would most decidedly set his face against the abuse of that liberty. The licentious portion of the press would find in him a determined enemy. — When he read a public newspaper containing a deliberate falsehood; when he saw a portion of the House stigmatized as rebels, he thought it was time that the House should assert its rights, and hold the author of such a libel answerable for the consequences of his misconduct.

Col. Prince read the article referred to by him, being the leading article in the *Montreal Herald* of the 20th instant.

The Editor (Col. Prince said) he imagined would be somewhat puzzled to show that he (Col. Prince) had ever moved for the introduction of a bill to pardon universally and indiscriminately. He never even gave notice of such a bill.

Col. Prince read another extract, in which a portion of the House was stigmatized as "rebels." (A laugh.)

Col. Prince said, hon. gentlemen may laugh at this — I do not. I stand here to assert and to protect the rights and privileges of this House and of myself; I will not quietly submit to hear it asserted that there are rebels among the representatives of the people. — (Hear, hear.) The time may come when every honest and honorable opponent of a ministerial measure will be branded as a rebel. I make these observations to show how necessary it is that we should have a committee of privileges.

Col. Prince concluded by explaining that the simple question put by him a few days back to His Excellency's advisers as to whether any relief was intended to be offered to any of the misguided men who had left this country, had been (as he could not but imagine wilfully) misconstrued by the Editor of the *Montreal Herald* into the actual introduction of a bill for the indiscriminate pardon of all; a measure which every lawyer must well know would be unconstitutional and a direct interference with the prerogative of the Crown, and therefore illegal. (Hear, hear.)<sup>86</sup>

**Mr. Johnston** said he concurred in the greater part of the editorial comments of the paper to which the gallant Col. alluded. (A laugh.) He (Mr. Johnston) had never been more astonished in his life than when he heard the gallant Colonel demand from ministers of the Crown whether it was the intention of government to pass a bill for the relief of the rebels. (Hear, hear.) He was quite as much astonished as the Editor of the *Herald* had been. (Order, order.) He believed he was in order: he would not let the matter be disposed of so easily.<sup>87</sup>

The Speaker ((**Mr. Cuvillier**)) informed the hon. member that he was altogether out of order, as there was no motion before the House.<sup>88</sup>

Footnotes — 23 July 1841.

1. The debate occurring after the proposal of this amendment was reported in: KINGSTON CHRONICLE, 31 July 1841; EXAMINER, 4 August 1841, containing the same report as KINGSTON CHRONICLE, 31 July 1841; LE CANADIEN, 2 August 1841, containing a translation of same report as KINGSTON CHRONICLE, 31 July 1841; WESTERN HERALD, 11 August 1841; BRITISH COLONIST, 28 July 1841.

2. EXAMINER, 4 August 1841.

3. IBID.

4. IBID.

5. IBID.

6. IBID.

7. IBID.

8. IBID.

9. IBID.

10. IBID.

11. IBID.

12. IBID.

13. IBID.

14. IBID.

15. IBID.

16. IBID.

17. IBID.

18. IBID.

19. IBID.

20. IBID.

21. IBID.

22. The debate occurring after this bill was read was reported in: KINGSTON CHRONICLE, 28 July 1841; BRITISH COLONIST, 28 July 1841.

23. KINGSTON CHRONICLE, 28 July 1841.

24. BRITISH COLONIST, 28 July 1841.
25. KINGSTON CHRONICLE, 28 July 1841.
26. IBID.
27. BRITISH COLONIST, 28 July 1841.
28. KINGSTON CHRONICLE, 28 July 1841.
29. IBID.
30. IBID.
31. IBID.
32. BRITISH COLONIST, 28 July 1841.
33. KINGSTON CHRONICLE, 28 July 1841.
34. BRITISH COLONIST, 28 July 1841.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. The debate arising from this question was reported in: WESTERN HERALD, 11 August 1841, which commented on it; BRITISH COLONIST, 28 July 1841; LE CANADIEN, 28 July 1841, commenting on the debate, 2 August 1841, reporting on it.
54. BRITISH COLONIST, 28 July 1841.
55. IBID.
56. LE CANADIEN, 2 August 1841.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. BRITISH COLONIST, 28 July 1841.
62. LE CANADIEN, 2 August 1841.
63. IBID.
64. BRITISH COLONIST, 28 July 1841.
65. LE CANADIEN, 2 August 1841.
66. BRITISH COLONIST, 28 July 1841.
67. IBID.
68. LE CANADIEN, 2 August 1841.
69. IBID.
70. IBID.
71. BRITISH COLONIST, 28 July 1841.
72. LE CANADIEN, 2 August 1841.
73. BRITISH COLONIST, 28 July 1841.
74. LE CANADIEN, 2 August 1841.
75. BRITISH COLONIST, 28 July 1841.
76. LE CANADIEN, 2 August 1841.
77. IBID.
78. IBID.
79. BRITISH COLONIST, 28 July 1841.
80. IBID.
81. IBID.
82. IBID.
83. IBID.
84. IBID.
85. This matter was reported by: KINGSTON CHRONICLE, 31 July 1841; BRITISH COLONIST, 28 July 1841; WESTERN HERALD, 11 August 1841; LE CANADIEN, 28 July 1841, commenting on it, 2 August 1841, translation of report in KINGSTON CHRONICLE, 31 July 1841.
86. IBID.
87. IBID.
88. IBID.



## Monday, 26 July 1841.

Statement of Bank  
of British North  
America laid before  
the House.

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Mr. Speaker laid before the House a statement of the liabilities and assets of the *Canadian Branches* of the Bank of *British North America*. For the said statement see Appendix (C.)

Committee on Niagara  
contested Election  
adjourned further  
until 10th August.

On motion of Mr. *Thorburn*, seconded by Mr. *Small*,  
*Ordered* — That the Select Committee appointed to try the merits of the Petition of *Robert Melville* and *John McBride*, electors of the town of *Niagara*, complaining of the undue election and return of *Edward Clarke Campbell*, Esquire, sitting member for the said town of *Niagara*, do stand further adjourned until the 10th day of *August* next, in as much as the House has prolonged the time for the return of the Report of the Commissioners appointed to take evidence on the subject of the said controverted Election, until the said 10th day of *August* next.

Committee of  
privileges appointed.

On motion of Mr. *Thorburn*, seconded by Mr. *Thompson*,  
*Resolved* — That a Committee of privileges, consisting of nine members, be appointed, to which shall be referred all matters connected with the rights and privileges of this House, to report from time to time, with power to send for persons, papers, and records, and that other members of the House may attend when they see fit.

Committee of  
Privileges.

*Ordered* — That Mr. *Thorburn*, Mr. *Neilson*, Mr. *Morin*, Mr. *Baldwin*, Mr. Solicitor General *Day*, the Honourable Mr. *Viger*, the Honourable Mr. *Moffatt*, Mr. *Boswell*, and Mr. *Parent*, do compose the said Committee.

Select Committee to  
try the merits of the  
*Frontenac* contested  
Election report the  
absence of a member.

Mr. *Morin*, Chairman of the Select Committee appointed for taking into consideration the Petitions of *James Mathewson*, of the Township of *Pittsburg*, and of divers inhabitants of the county of *Frontenac*, complaining of the undue election and return of *Henry Smith*, Esq., as a member to represent the county of *Frontenac*, in this present Parliament, presented to the House a report of the said Committee which was again read at the Clerk's table, as followeth : —

Your Committee met this day at 11 o'clock, A. M. pursuant to adjournment, and *John R. Hamilton*, Esq., one of its members, being

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absent, your Committee remained in Session for one hour, at the expiration of which time he was still absent.

Mr. Hamilton excused  
from serving on said  
Committee on  
account of ill health.

Mr. *Morin* moved, seconded by Mr. *Price*,  
That *J. R. Hamilton*, Esquire, be excused from serving on the said Committee, on account of ill health.

The question having been put, upon the said motion, a division ensued, and it was carried in the affirmative.

*Resolved* — Accordingly.

*Petitions brought up.*

The following Petitions were severally brought up, and laid on the table : —

Duncan Patton  
and others.

By Mr. *Neilson*, the Petition of *Duncan Patton*, and others, cutlers of Timber, of *Quebec*.

Anna Lang and  
others.

By Mr. *Durand*, the Petition of *Anna Lang*, wife of *Benjamin Lang*, and others, of the state of *Pennsylvania*, Heirs of the late *Jacob Herschy*.

H. Robinson and others.

A. Murphy and others.

John Cook, Esq. and others.

Canada Fire Assurance Company Bill read third time and passed.

*Petitions read.*

Of Fire Company and Magistrates of Brantford.

Of Andrew Millar of Hamilton.

Of Peter Leppard.

Of James Stocks and others.

Of Louis Morreau.

Of Félicité Morin.

Of G. P. Wilgress.

Of A. A. Adams and others.

Of George Babcock & others.

John Burn and others.

Of Wm. Bowron, Esq. and others.

Of Archibald McDonell, and others.

Of J. W. Woolsey, Esq. and others.

Of Thomas Carr, senr.

Petition of Louis Norreau referred to Special Committee.

By Mr. *Foster*, the Petition of *H. Robinson* and others, of the County of *Shefford*.

By Mr. *Taché*, the Petition of *A. Murphy*, and other of the Township of *Frampton*.

By Mr. *Cook*, the Petition of *John Cook*, Esquire, and others, Lutherans, of *Williamsburg* and *Osnabruck*.

An engrossed Bill for incorporating the *Canada Fire Assurance Company*, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Dunsmuir*, do carry the said Bill to the Legislative Council, and desire their concurrence.

Pursuant to the order of the day, the following Petitions were read.

Of the Fire Company and of the Magistrates of the Town of *Brantford*, praying that the privileges granted to fire Companies in incorporated Towns, may be extended to such Companies in un-incorporated Towns.

Of *Andrew Millar*, of *Hamilton*, *Gore* District, Land Surveyor, praying for the passing of an Act authorizing him to construct a Harbour and Dry Dock in the said Town.

Of *Peter Leppard*, of *East Gwillimbury*, *Home* District, praying that inquiry may be made into the disturbance and riots which took place at a meeting held in said District on the 15th *October*, 1839.

Of *James Stocks*, and others, of the Township of *Etobicoke*, *Home* District, praying for an aid to improve the shore on Lake *Ontario*, West of *Humber* River.

Of *Louis Norreau*, of the Parish of *St. Roch's* of *Quebec*, late Messenger of the Legislative Council of *Lower Canada*, praying to be re-instated in his former Office, or remunerated for his loss of Office.

Of *Félicité Morin*, of the City of *Montreal*, praying that she may be indemnified for losses sustained by her during the late Rebellion.

Of *G. P. Wilgress* and others, of the Parish of *Lachine*, praying for exemption from toll on the Turnpike Road between *Montreal* and *Lachine*.

Of *A. A. Adams*, and others, Inhabitants of the Township of *Barnston*, in the County of *Stanstead*, praying that a general and liberal system of education may be established, and that the Sacred Scriptures may be taught in all the Schools of the Province.

Of *George Babcock*, and others, of the Town of *Brantford*, and other places, Stage Proprietors and Mail contractors, praying to be exempted from the payment of Toll on the line of their contract.

Of *John Burn* and others, inhabitants of the Townships of *Durham*, praying that work done at the public expense be given out by contract.

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Of *William Bowron*, Esquire, and others, of *Godmanchester*, and other places in the County of *Beauharnois*, praying that an efficient system of education may be established in the *Eastern* parts of the Province.

Of *Archibald McDonell*, and others, of the Townships of *Gloucester*, *Osgoode*, and *Russell*, praying for a tax of one penny in the pound on all wild lands for the improvement of the highways.

Of *J. W. Woolsey*, Esquire, and others, of *Quebec*, praying the Legislature to intercede with Her Majesty for a full and general pardon to all persons engaged in the late troubles in this Province.

Of *Thomas Carr*, Senior, and others, inhabitants of *Otanabee*, and other Townships, praying that the line of communication from *Rice Lake* to *Cobourg* may be improved.

*Ordered* — That the Petition of *Louis Norreau*, of the Parish of *St. Roch's* of *Quebec*, late Messenger of the Legislative Council of *Lower Canada*, be referred to the Special Committee appointed to require what assistance it will be necessary to afford to the Clerk, and

what offices and departments it will be expedient to establish for the effective and orderly conduct of the business of this House.

Petition of Alfred Todd, Thaddeus Patrick and Charles FitzGibbon referred to same Committee.

*Ordered*—That the Petition of *Alfred Todd, Thaddeus Patrick, and Charles Fitzgibbon*, Clerks in the office of the Clerk of the Legislative Assembly, presented to the House on the 21st instant, be referred to the said Committee.

Petition of Peter Leppard referred.

*Resolved*—That the Petition of *Peter Leppard*, of *East Gwillimbury, Home District*, be referred to a Committee of five members, to examine the contents thereof and report thereon from time to time; with power to send for persons, papers and records.<sup>1</sup>

**Mr. Price** rose, he said, for the purpose of bringing under the notice of the House the circumstances relating to a certain outrage committed at a public meeting which had been held on Yonge street, in October, 1839. He had thus far deferred bringing the subject forward lest it might be imputed to him that he was willing to impede the government. He trusted, however, that he would now be exonerated from any such charge. The subject was one of that importance which should not be delayed. It was one of the boasts of British subjects that they can petition parliament for the redress of any grievances under which they labour. He (Mr. Price) entirely concurred in the sentiment that it was one of the dearest rights not only of Britons, but also of her Majesty's subjects in this Province, that they can claim to be heard upon all subjects of complaint whether imaginary or otherwise. An interruption or denial of this right would render the boasted freedom of British subjects but a name. In the year 1839, shortly after the late lamented Earl of Durham had left this Province; at a time when a new system of government was about to be introduced into this Province, which should assimilate as far as possible the institutions of this country to those of Great Britain; when it was expressly desired by the Ministry that the views and wishes of the people should be declared with regard to the question of the Union of the Provinces, and also with regard to the principles of Responsible government which have been propounded by Lord Durham, a meeting was called by the Sheriff of the Home District, that the yeomanry of the District might consult together. After the meeting had been so called by the Sheriff, whose duty it is to call together and preside at such meeting, upon a requisition of certain inhabitants of the District, a counter requisition was got up, addressed to the Sheriff, demanding that the meeting should not be held and alledging (sic) as a reason, that riots would ensue.

Those who had signed the first requisition, immediately by notice in the public prints called a meeting in order that they might quietly pursue their original intention of taking the sense of the yeomanry of the District upon the subjects already adverted to. On the day previous to the meeting there was a general movement throughout the city of Toronto, to counteract if possible the proceedings which it was supposed would take place: it being supposed that those who were favourable to the meeting were the friends of the doctrine of responsible government as promulgated by Lord Durham, and that it was also the intention of the meeting to hail the approach of the present Governor General, who was then on his way to assume the government of this Province, as one likely to carry out the views of Lord Durham. It was stated to him (Mr. Price) on that day, that if he attended the meeting his life would be in danger; and as for the hon. gentleman who is at present the member for Oxford, if he attended the meeting his life would not be worth an hour's purchase. (Hear, hear.) It was determined, however, that they would not be intimidated by threats, and deprived of the exercise of their undoubted rights; that they would go peaceably to the place of meeting, pass their resolutions, and go peaceably away; and although it was reported that the opposite party were arming themselves with bludgeons and offensive weapons, yet they confidently relied upon the authorities to take proper precaution for the prevention of riots and disorders. In obedience to the call, the yeomanry of the District assembled, and were quietly proceeding with the business of the meeting, when a large concourse of people from the city, at the head of whom were the Mayor, the Clerk of the Peace, and various officials, came up with flags and banners, and having taken possession of the platform, proceeded to elect a different chairman from the one who had been proposed by the friends of the meeting, who immediately separated themselves and removed to a distance. They were not, however, permitted to retire peaceably. The Sheriff at the head of a body of men came up to their waggons, foaming with wrath, and to save themselves from violence and perhaps from death itself, they were obliged to fly in different directions. He (Mr. Price) escaped by getting over a fence, and he



believed the hon. gentleman from Oxford had saved himself by his speed in running. (A laugh.) Hundreds were knocked down, dozens were seen weltering in their blood. Magistrates were upon the spot, many of them participators in the outrage. Is it surprising, then, that the parties should not have been brought to justice? — One unfortunate individual was inhumanly murdered. And after all this the officials and their band of rioters proceeded to pass their own resolutions, and then returned to the city in triumph.

Mr. Price read the resolutions which it had been intended to submit to the meeting, and also certain affidavits setting forth the proceedings of the aggressors, which had been laid before Sir George Arthur.<sup>2</sup>

Mr. Johnston here interrupted the hon. member, and desired to be informed what answer Sir George Arthur had returned to the application.<sup>3</sup>

Mr. Price. — The answer was, we might go before a jury of the country and obtain redress. But how could it be imagined that justice could be obtained from a jury composed of the very persons most deeply implicated; from a grand jury composed of the very persons who were foremost in creating the disturbance. To shew the intent of the parties, it will only be necessary to state that the rioters came to the ground decorated with ribbons and distinctive badges by which they might be known to their hirelings. The brother of the Chief Justice who was present, having been accidentally knocked down, reproved the person who gave the blow by pointing to his ribbon and saying, my good man you must be more careful to distinguish your friends, did you not observe the ribbon? The man acknowledged he had mistaken him for one of those he was employed to beat. What justice could be obtained in such a case? Has not impunity been given to crime? Has not the Riding which I represent been the scene of riots and murders? Laws though bad, if properly administered, are better for any country than good laws badly administered, better would it be that we have despotism at once. Let us not be led to expect justice if the government is too weak to render it. It is a question of vital importance, but I will not detain the house any longer upon it at present. I will merely move for the appointment of a select committee to enquire into the matter and report thereon.<sup>4</sup>

As to the hon. member for Oxford, had not that gentleman have perfectly comprehended the *sauve qui peut*, and exhibited "a clean pair of heels" with peculiar effect — any allusion to him now would admit only of the melancholy appellation of the "late Mr. Hincks."<sup>5</sup>

Here Mr. Price moved for the appointment of certain gentlemen whom he named. He had left himself out of the committee, he said, because as he was a party engaged, so far as running away was concerned — (a laugh) — he did not wish to act as judge and accuser.<sup>6</sup>

Mr. Johnston said before that motion was granted which required the 77th rule of the house to be rescinded, so far as relates to the motion, in order that the committee may be named by the hon. gentleman who is the champion of this cause, that hon. gentleman ought to show good cause why it should be done. He hoped the committee would be selected in the ordinary way.<sup>7</sup>

Mr. Johnston felt great satisfaction at the activity displayed by Mr. Hincks on the occasion — quoting the old adage "he that fights and runs away, &c."<sup>8</sup>

Captain Steele said he would claim the indulgence of the house upon this occasion. Some two years back this country was in a state of suspense and anxiety as to the future management of affairs on the part of the government. The Imperial Parliament had refused to legislate upon the affairs of this colony, because they were not in possession of sufficient information. The Ministry were desirous that the question should be delayed, that an opportunity might be given for the people to express an opinion upon the important question. There was on the other hand a sort of (he would call it by its proper name,) conspiracy that the voice of the people should not be heard — that the right which was guaranteed to British subjects in ages by-gone should be withheld. Meetings were, however, called in various parts of the Province, and an expression of public opinion pronounced upon various question — upon the union of the Provinces — upon that State paper, I may call it, Lord Durham's Report. There was a feeling of approbation in favor of these meetings. Men of high respectability attended them, and also signed the requisitions calling them. But to produce a counter requisition was a thing altogether unheard of in the county to which he (Capt. Steele) had the honor to belong. — And in this case it would be remarked that an incorporated city comes forward to counteract the wishes of a

whole District. Notwithstanding the counter requisition, the meeting took place, and the proceedings of that meeting were as had been stated by the hon. gentlemen who moved the resolution. The yeomanry assembled peaceably and quietly. On the contrary, the citizens of Toronto came out with a sort of warlike preparation. The Sheriff harangued the people, and represented the people assembled to carry on the business of the meeting as seditious and rebellious. He (Captain Steele) hoped never again to witness such proceedings as he there witnessed. If the people were to be prevented from meeting peaceably to discuss subjects of a public nature, the privilege of assembling in Parliament was nothing better than a solemn mockery. (Hear, hear.) Neither time nor space can resist the steps (sic) of justice. As sure as the sun rises and sets it must take place, and he hoped the gentlemen of the committee would enter into the investigation of the subject with a determination that justice should take place. He hoped there would not be a dissenting voice to the appointment of the committee. All complaints, and complaints of this nature especially, should be fully investigated. Upon this rests the stability of the throne itself.<sup>9</sup>

**Hon. Mr. Harrison** said he quite agreed with what had fallen from the hon. gentleman that this is a most important question. Because if they took the language of the petitions, or the eloquence of the learned gentleman (Mr. Price) as the guide by which to form their opinions upon the subject, in either case it was abundantly evident that the case was an important one; as there are not only charges of misconduct against the Sheriff, but also a violent imputation is thrown upon the administration of justice. It is a question of such importance therefore (said Mr. Harrison) that I think decidedly it should be investigated. I have not the least objection, and I only rise to disabuse (if the hon. and learned gentleman will allow me to use the expression,) the minds of hon. members of the impression that there is any objection existing against the enquiry on the part of the government. No doubt the parties had a perfect right to call the meeting, and no doubt the Sheriff was wrong in refusing to call the meeting in consequence of the counter requisition. The reason why no Executive investigation could take place was this; the parties themselves placed it out of the power of the executive to do any thing in the matter; because the charges preferred extended not only to complaints of official misconduct, but to accusations of positive crime. This is certainly a picture of the state of society which is most deplorable. But in justice to the late Lieutenant Governor Sir George Arthur, it should be stated that the affidavits which have been read by the hon. and learned gentleman were never laid before him at all.<sup>10</sup>

**Mr. Small** said having seconded the resolution he would now with the approbation of the hon. mover propose that a portion of the same be altered and that the Committee be named by the House. He (Mr. Small) was as little interested as any hon. member ought to be in a matter of this important nature. But he was satisfied that any one who had heard the petition read, and particularly having heard the speech of the learned and hon. gentleman opposite, who had just concluded must be convinced that a stronger case could hardly be made out. It was a perfect mockery to tell the complainants to go to the grand jury and prefer their complaints. He (Mr. Small) did not happen to have been in the country when that affair took place: if he had been he would probably have had his brains knocked out: he should certainly not have run away. (Hear, hear.) He hoped the matter would be calmly and dispassionately investigated.<sup>11</sup>

**Col. Prince** said he did not rise to prolong the debate, but if possible to put an end to it. The motion was an important one, and the documents which were read still more important, and having heard from one of the officers of the government that it is the desire of the government that an investigation should take place, he thought there could be no objection to the appointment of the committee forthwith. Already sufficient time had been employed in explaining what was abundantly evident, that there was a necessity for an investigation. The motion ought to be granted at once.<sup>12</sup>

**Mr. Hincks** desired before the question was put to observe that he could not exactly comprehend why it was out of the power of the Executive Government to enquire into and redress these complaints. The learned and hon. gentleman, the member for Kingston, had said that charges of official misconduct had been mixed up with that of crime. Then I suppose (said Mr. Hincks) we are to understand that when an officer of the government is accused of being guilty of notorious official misconduct, because he is at the same time accused of crimes of a higher nature, he is to be totally absolved and acquitted — rather an absurd mode of reasoning I should think, yet this is the doctrine of the hon. and learned

gentleman. When on a late occasion serious riots were represented to have occurred in the city of Toronto, in which also certain judges and magistrates were concerned, a commission was issued for this investigation, why was not the same course followed with regard to these now under consideration? Now I, for one, am of opinion that when judges of the land and other officials identify themselves with electioneering and election riots, it is impossible under such circumstances that the people can have confidence in the administration of justice. (Hear, hear.) In England a much less urgent case of complaint would be at once investigated by the government and I think it should be so in this Province.<sup>13</sup>

The motion was altered, and the committee appointed by the House.<sup>14</sup>

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Committee formed.

*Ordered* — That Mr. Small, Mr. Neilson, the Honourable Mr. Daly, Mr. Christie and Mr. Merritt, do compose the said Committee.

Petition of Geo. Babcock and others referred.

*Resolved* — That the Petition of George Babcock, and others, of the Town of Brantford, and other places, Stage Proprietors, and Mail Contractors, be referred to a Committee of five members, to examine the contents thereof, and to report thereon by Bill or otherwise; with power to send for persons, papers, and records.

Committee formed.

*Ordered* — That Mr. Prince, Mr. Cartwright, Mr. Attorney General Draper, Mr. Thorburn and Mr. Roblin, do compose the said Committee.

Committee on Currency present their first Report.

Mr. Hincks, from the Select Committee on Currency and Banking, with power to report from time to time, presented to the House the first Report of the said Committee, which was again read at the Clerk's Table.

For the said Report, see Appendix (O.)

Report referred to Committee of whole on Friday next.

*Ordered* — That the said Report be referred to a Committee of the whole House on Friday next.

Select Committee to require Justices of the Peace to make returns of fines, &c. reports the same amended, which is to be referred to Committee of whole to-morrow.

Mr. Attorney General Draper, from the Special Committee to which was referred the Bill to require Justices of the Peace to make returns of convictions and fines, reported that the Committee had gone through the Bill and had made several amendments thereto, which amendments were again read at the Clerk's table.

*Ordered* — That the said Bill and Report be referred to a Committee of the whole House to-morrow.

Order of day for second reading of Heir and Devisee Amendment Act revived.

On motion of W. J. S. Macdonald, seconded by Mr. Roblin,

*Ordered* — That the Order of the day, of the 25th instant, for the second reading of the Bill to amend the Heir and Devisee Act, lost by reason of having been inadvertently fixed on Sunday, be revived, and that the said Bill be read a second time on Wednesday next.

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Order of day for 2nd reading Caledonia Bridge Company Bill revived.

On motion of Mr. Thompson, seconded by Mr. Prince,

*Ordered* — That the Order of the day for the second reading of the Bill to incorporate certain persons, under the title of "The Caledonia Bridge Company," lost by the adjournment of the House of Thursday last, be revived, and that the said Bill be read a second time on Monday next.

Time for taking into consideration Saint Maurice contested Election postponed until Tuesday the 10th August.

On motion of Mr. Prince, seconded by Mr. De Salaberry.

*Resolved* — That the Petition of divers Electors of the County of St. Maurice, complaining of the undue return of Joseph Edouard Turcotte, Esq. be taken into consideration on Tuesday the 10th day of August next, at 4 o'clock, P. M., in lieu of Monday, the 2nd day of August next, as before appointed by this House.

Order for taking the Mirror of Parliament to be rescinded at end of month.

On motion of Mr. Cameron, seconded by Mr. Holmes,

*Resolved* — That the Resolution of this House authorizing the Clerk of this House to procure 500 copies of the Canadian Mirror of Parliament, for the use of the members, at five shillings, currency,



per month, be rescinded at the end of the month, to wit : on the 6th day of *August* next.<sup>15</sup>

On motion of Mr. *Johnston*, seconded by Mr. *Williams*,

*Ordered* — That the Order of the day for the House in Committee, to consider the expediency of amending the Road Act of the 50 GEO. 3, Cap. 1, of the late Province of *Upper Canada*, lost by the adjournment of the House of *Monday*, the 19th instant, be revived, and that the House will, on *Friday* next, resolve itself into the said Committee.

On motion of Mr. *Roblin*, seconded by Mr. *Chesley*.

*Resolved* — That this House will, on *Wednesday* next, resolve itself into a Committee of the whole House to take into consideration the expediency of altering the Law of Possession, so far as it relates to erroneous surveys.

On motion of Mr. *Merritt*, seconded by Capt. *Steele*.

*Resolved* — That the Committee appointed to examine into the prices paid, and the methods adopted for the transit of products on the different water communications within this Province — and the Committee to which was referred the Message of His Excellency, the Governor General, in answer to the Address of this House, of the 14th instant, on the subject of an Address of the House of Assembly of *Upper Canada*, relating to the introduction of the Products of this Province into the Ports of *Great Britain*, free of duty, be consolidated ; and that it be an instruction to the said Committee to take into consideration all matters relating to the agriculture and commerce of this Province, to report from time to time ; with power to send for persons, papers, and records.

On motion of Mr. *Thorburn*, seconded by Mr. *Thompson*.

*Resolved* — That this House do now resolve itself into a Committee of the whole House to take into consideration what number of the Journals should be printed for each and every Session during the present Parliament, and to whom such printed Journals should be given.

The House accordingly resolved itself into the said Committee.

Mr. *Child* took the chair of the Committee.<sup>16</sup>

Some time was taken up in the consideration of Mr. Thorburn's motion for the distribution of the journals, and some amusement created in consequence of the numerous places that were suggested. Not only were the neighbouring Colonies of British North America and the West Indies spoken of, but we had also New South Wales, Van Dieman's Land, Jersey, and I know not what other places recommended.<sup>17</sup>

La chambre en comité a résolu de faire imprimer les journaux a (sic) 500 exemplaires, partie en anglais, partie en français. Trois exemplaires seront donnés à chaque membre, et il en sera envoyé en change aux autres colonies d'Amérique, il en sera aussi donné en Angleterre au parlement, au bureau colonial et aux membres du parlement impérial, et aux bibliothèques publiques du Canada que l'orateur désignera.<sup>18</sup>

Among other resolutions that were adopted, Jamaica and Newfoundland were to be furnished with a copy each, with a request for a copy of theirs in exchange.<sup>19</sup>

(235)  
and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. *Child* reported that the Committee had come to a resolu-

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tion, which he was directed to submit to the House, whenever it should be pleased to received (sic) the same.

*Ordered* — That the Report be received to-morrow.

Order of day for  
Committee of whole  
on Road Act, 50 Geo.  
3rd chap. 1 revived.

Committee of whole  
on Wednesday on  
Law of Possession.

Committee appointed  
on Transit of  
Products and Com-  
mittee on His Excel-  
lency Message of  
14th inst. consoli-  
dated.

House in Committee  
on printing of  
Journals.

Committee reports  
resolution.

To be received  
to-morrow.

Speaker to have authority during session and recess to carry into effect the orders of the House.

Resolutions from Committee of whole on Members remuneration, read at the Clerk's Table.

Resolutions.

First Resolution carried.

House divides on second Resolution.

Second Resolution carried.

On motion of Mr. *Thorburn*, seconded by Mr. *Neilson*,

*Resolved*—That when this House is not in Session, as well as when it is, the Speaker may give such directions as he may think necessary and proper for carrying into effect the orders of the House, and for ensuring the safety of its records; and all the Officers and Messengers of the House, shall be under the direction of the Speaker in all matters whatsoever connected with the performance of their official duty.

Mr. *Roblin*, from the Committee of the whole House, to take into consideration the propriety of repealing or amending certain parts, of an Act of the Parliament of the late Province of *Upper Canada*, entitled "*An Act to alter the mode of payment of wages to Members of the House of Assembly*," reported, according to order, the resolutions of the said Committee, which resolutions were again read at the Clerk's Table, as followeth:—

1. *Resolved*—That it is expedient to repeal a certain Act of the Parliament of the late Province of *Upper Canada*, intituled "*An Act to alter the mode of payment of wages to Members of the House of Assembly*," and to provide for the remuneration of the Members of the Legislative Assembly for their loss of time in coming to, attending at, and returning from the said Legislative Assembly, at the several Sessions thereof.

2. *Resolved*—That the sum of fifteen shillings per diem be allowed to Members of the said Assembly for their said attendance, including travelling at the rate of twenty miles per day.

3. *Resolved*—That the said allowance ought to be paid by the Receiver General of the Province, upon the production of the Speaker's warrant stating the number of days the member producing the same has been absent from his place of residence in coming to and attending at the respective Sessions of the Legislative, and the number of days necessary for such Member to return to his place of residence.

*Ordered*—That the question of concurrence be now separately put upon each of the said Resolutions.

And the first of the said Resolutions being again read, and the question of concurrence being put thereon, it was unanimously agreed to.

The second of the said Resolutions being again read, and the question of concurrence being put thereon, the House divided, and the names called for they were taken down, as followeth:—

#### YEAS.

<i>Armstrong,</i>	<i>Day, Hon. C. D.</i>	<i>Moore,</i>	<i>Roblin,</i>
<i>Baldwin,</i>	<i>Derbshire,</i>	<i>Morin,</i>	<i>Ruel,</i>
<i>Barthe,</i>	<i>Dunn, Hon. J. H.</i>	<i>Neilson,</i>	<i>Small,</i>
<i>Berthelot,</i>	<i>Durand,</i>	<i>Noel,</i>	<i>Smith, (Fron.)</i>
<i>Borne,</i>	<i>Foster,</i>	<i>Parent,</i>	<i>Steele,</i>
<i>Boutillier,</i>	<i>Harrison, Hon. S.B.</i>	<i>Parke,</i>	<i>Taché,</i>
<i>Buchanan,</i>	<i>Hincks,</i>	<i>Powell,</i>	<i>Taschereau,</i>
<i>Chesley,</i>	<i>Johnston,</i>	<i>Price,</i>	<i>Thorburn,</i>
<i>Child,</i>	<i>McLean,</i>	<i>Quesnel,</i>	<i>Turcotte,</i>
<i>Cook,</i>	<i>Merritt,</i>	<i>Raymond,</i>	<i>Viger, Hon. D.B.</i>
<i>Daly, Hon. D.</i>			(41.)

#### NOES.

<i>Burnet,</i>	<i>Draper, Hon. W.H.</i>	<i>Moffatt, Hon. G.</i>	<i>Robertson,</i>
<i>Cameron,</i>	<i>Holmes,</i>	<i>Prince,</i>	<i>Watts — 8.</i>

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So it was carried in the affirmative.

The third of the said Resolutions being again read, and the question of concurrence being put thereon, the House divided, and the names being called for they were taken down as followeth:—

House divides on  
third Resolution.

<i>Armstrong,</i>	<i>Christie,</i>	<i>Neilson,</i>	<i>Small,</i>
<i>Baldwin,</i>	<i>Cook,</i>	<i>Noel,</i>	<i>Smith, (Front.)</i>
<i>Barthe,</i>	<i>Durand,</i>	<i>Parent,</i>	<i>Steele,</i>
<i>Berthelot,</i>	<i>Foster,</i>	<i>Powell,</i>	<i>Taché,</i>
<i>Borne,</i>	<i>Hincks,</i>	<i>Price,</i>	<i>Taschereau,</i>
<i>Boutillier,</i>	<i>Johnston,</i>	<i>Quesnel,</i>	<i>Thorburn,</i>
<i>Buchanan,</i>	<i>McLean,</i>	<i>Raymond,</i>	<i>Turcotte,</i>
<i>Chesley,</i>	<i>Moore,</i>	<i>Roblin,</i>	<i>Viger, Hon. D.B.</i>
<i>Child,</i>	<i>Morin,</i>	<i>Ruel,</i>	(35.)

YEAS.

NOES.

<i>Burnet,</i>	<i>Derbshire,</i>	<i>Holmes,</i>	<i>Prince,</i>
<i>Cameron,</i>	<i>Draper, Hon. W.H.</i>	<i>Moffatt, Hon. G.</i>	<i>Robertson,</i>
<i>Daly, Hon. D.</i>	<i>Harrison, Hon. S.B.</i>	<i>Parke,</i>	<i>Watts. — 13.</i>
<i>Day, Hon. C.D.</i>			

Third Resolution  
carried.

So it was carried in the affirmative, and — <sup>20</sup>

**Mr. Small** being desirous of eliciting the views and intentions of government relative to it, was anxious to amend this resolution, leaving a blank in it to be filled up by a committee of 3, specifying *how* the money *was* to be placed — such committee having among those composing it, one of the members of the treasury benches. The forms of the house would not, however, admit the amendment.<sup>21</sup>

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*Resolved* — That this House does concur with the Committee in the said Resolutions.

Macadamized Road  
Act read second time  
and referred to a  
Committee to report  
thereon.

A Bill to repeal a certain section of an Act of the Legislature of *Upper Canada*, relative to Macadamized Roads, was, according to order, read a second time.

*Resolved* — That the said Bill be referred to a Committee of five Members, to report thereon with all convenient speed, with power to send for persons, papers, and records.

Committee formed.

*Ordered* — That *Mr. Durand, Mr. Merritt, Mr. Henry Smith, Mr. Thorburn* and *Mr. Price*, do compose the said Committee.

Dalhousie Gaol and  
Court House bill read  
second time, and  
ordered to be referred  
to Com. on  
Wednesday next.

A Bill to authorise a further loan to complete the building of the Court House and Gaol for the intended District of *Dalhousie*, was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Wednesday* next.

House goes into  
com. of whole on  
Pet. of Wm. Walker,  
on timber trade.

The Order of the day for the House in Committee to take into consideration the Petition of *William Walker*, and other Inhabitants of the City of *Quebec*, relating to the Timber Trade, being read —

The House accordingly resolved itself into the said Committee.

*Mr. Moore* took the chair of the Committee.<sup>22</sup>

**Mr. Neilson** said, that in offering these resolutions, all must know that they related to a most important subject. In regard to the welfare of the country none could be more so.<sup>23</sup>

The trade of which the destruction was contemplated, gave employment to upwards of 2,000 vessels — and the profits which were derived from it were engaged in it.<sup>24</sup>

He presumed all were aware that the Chancellor of the Exchequer proposed to lay a duty of 15 per cent. on the timber trade of Canada. If this was carried out, the trade between this and the Mother country must cease. He (Mr. N.) was disposed to bow to the opinion of the Imperial Government in matters necessary to the welfare of the empire. He conceded its right to alter and impose duties; but under circumstances like this, we may be excused in going before the Government in the matter. The inhabitants had been invited to go into this branch of trade, and had embarked a very large capital in it; one hundred vessels were at all times going across the Atlantic engaged in the timber



trade. Whatever then might be the right of the Imperial Government, there was a right superior, that of justice to all. He (Mr. N.) trusted that the representative of the Imperial Government would reflect on the matter, and see that the trade was not interfered with too prematurely. It had been entered upon at great individual sacrifices, and the existing laws ought to be continued in common justice. If this trade belonged to any particular class of her Majesty's subjects it would be a different matter, but when it was open to all and left to free competition, every one must be aware that capital will always make level profits to a fair, if not a minimum recompense.<sup>25</sup>

**Mr. Moffatt** said the hon. gentleman had admitted the power of the Imperial Government, and its right to alter duties, but that injustice would be done in this instance if the duties on the timber were altered as proposed. He (Mr. M.) thought it was useless to expect any thing else, however, but every one must concur in so reasonable a matter as listening to the resolutions.<sup>26</sup>

**Mr. Cameron** thought that the resolutions would meet the unanimous support of the House. The timber trade was in his (Mr. C.'s) opinion the most important trade in the country. He was willing to admit the right of the Mother country to interfere in the matter, and legislate on it, but thought they had proceeded on statements and arguments *ex parte*, which were not capable of demonstration. For instance, it had been said that red pine was not equal to Baltic or Norway timber for the decks of vessels; now he was satisfied this was not a fact: again, it was stated that exports to the Baltic would increase if the duties were altered, but if not, they would decrease in a far greater ratio. He believed the experiment would not be attended with profit to the Mother country, while the alteration would be attended with ruin here. The trade had taken 33 years to bring it to its present state, and he (Mr. C.) believed England would not be benefitted by the alteration. — 1400 vessels come to this country in consequence of the trade; these convey an immense number of emigrants; and this source of profit would be lost to the country. He (Mr. C.) said, that if any alteration took place, the whole northern region would be abandoned. If time were given to go into other evidence than *ex parte*, a very different case would be made out. He (Mr. C.) was convinced that it would be impolitic to both countries to make immediate alteration. 20 years at all events ought to be given.<sup>27</sup>

**M. Cook** pensait que le commerce tomberait bientôt s'il n'était pas protégé par une loi.<sup>28</sup>

**M. le Sol. Gén. Day** ne pouvait donner un vote silencieux sur cette question. Il supporterait les résolutions, parce que l'importance du commerce justifiait pleinement notre intervention dans les mesures du Parlement impérial. Il était convenable d'attirer l'attention du gouvernement sur les capitaux considérables versés dans cette branche du commerce; mais il pensait que l'établissement des droits protecteurs était incorrect et que dans ce siècle on devait les condamner. Il est vrai que les relations entre les Colouies (sic) et les autres pays devaient modifier l'application de ce principe; il y avait certaines choses que l'on devait se garder de faire disparaître (sic) trop subitement. Dans le cas où la Grande Bretagne voudrait augmenter sa marine, elle dépendrait en grande partie de cette colonie relativement au bois; il était donc sage pour elle de ne pas y détruire le commerce du bois. Il pensait que les avancés (sic) au sujet de considérations *ex parte* étaient erronés.<sup>29</sup>

**Mr. Hincks** était satisfait du discours du Solliciteur Général. Il prouvait que le ministère est disposé à soutenir. (sic) les intérêts du Canada dans ses relations avec l'Angleterre (sic). Il espérait que les résolutions seraient adoptées par une grande majorité. Tout ce que les Canadiens désirent, est d'être bien traités par le peuple anglais; mais il pensait que tôt ou tard on abandonnerait le principe des droits protecteurs du commerce. Ce principe était vicieux, et tous ceux qui étaient engagés dans le commerce devaient se préparer à les voir détruire; on avait eu assez d'avertissement à cet égard. Quant aux allégués extravagants, il pensait que le peuple anglais comprenait bien la question et qu'il savait qu'en établissant des droits égaux, il aurait des articles de commerce à meilleur prix et d'une qualité bien plus supérieure. C'était sur ce principe qu'on agirait. C'était un principe établi en économie politique qu'un peuple ne pouvait acheter les produits d'un autre peuple, a (sic) moins que l'un ne prit en retour, les produits de l'autre, ou qu'il existât un marché facile où on pouvait échanger. Il suivrait de là, que si l'Angleterre recevait de la Baltique une plus grande quantité de bois, le peuple anglais serait obligé d'exporter une plus grande quantité d'effets pour les échanger contre le bois. Cependant il serait

peiné de voir adopter aucune démarche qui put engager à abandonner le commerce du bois.<sup>30</sup>

**Mr. Harmanus Smith** although aware of the importance of the trade, would prefer to see capital laid out in some other investment less fortuitous, and affording a sure and lasting resource ; — in the fisheries said the honourable member. He also considered the timber trade as productive of immorality.<sup>31</sup>

**Mr. Child** ne pouvait concourir dans les opinion (sic) généralement émises pendant le cours des débats. Sans doute on retire des avantages du commerce de bois ; mais cet objet n'est pas le plus important pour la prospérité du pays. Autrefois il existait dans ce pays différentes branches d'industrie dans un état florissant et qui sont maintenant tombées. On avait le commerce des pelleteries, de la potasse et perlasse. Il ne considérait pas le commerce du bois comme très moral dans ses effets, et il aimerait mieux voir la population s'occuper de l'agriculture qui produisait avec elle la richesse et la vertu. On ferait mieux d'y employer les capitaux et dans les pêches. Il exhortait les personnes engagées dans le commerce du bois, à s'en retirer, mais il espérait qu'on adopterait aucune mesure pour faire perdre à ces personnes.<sup>32</sup>

**M. Dunscomb** concourrait dans les résolutions ; mais ce sujet devait être traité ouvertement et avec justice. Il pensait que l'établissement de droits ne pouvait donner aucun avantage, cependant dans l'état actuel il serait dangereux (sic) de les abolir subitement.<sup>33</sup>

**Mr. Viger** ne demandait pas l'établissement de droits. Il les considérait presque dans tous les cas comme injurieux au pays et aux marchands qu'ils étaient destinés à protéger. Il désirait qu'on les tranchât tous, persuadé qu'il était, que ce pays en retirerait de l'avantage. Il citerait un exemple : En 1770 Bristol pétitionna contre l'indépendance des Etats-Unis, parce qu'elle ruinerait le commerce entre cette ville et l'Amérique ; cependant tout le monde sait que depuis ce tems, (sic) le commerce de cette ville a centuplé. La même chose aurait lieu en Canada. La liberté du commerce requiert l'économie et cette économie serait appliquée à l'augmentation du commerce.<sup>34</sup>

**Mr. Roblin** was for supporting agriculture, as the true basis of our prosperity. The protecting duty contended for, he regarded as a kind of monopoly of profit, and said that from his experience he had found the timber trade most perniciously injurious to the farming interests.<sup>35</sup>

**Mr. Merritt** estimated the consumption of British manufactures in Canada, with its handful of inhabitants as greater than that which finds its way to Russian markets with a population of sixty millions and upwards. It was said that differential duties were vicious, and that our policy was a vacillating one. For his part, he was prepared to remove all duties from our products, if Great Britain would consent to do the same with hers. And as an equivalent for any loss that might be apprehended, he would establish a foreign commerce which would produce a revenue that would yield ample compensation.<sup>36</sup>

**Mr. Buchanan** concurred in the resolutions. He was opposed to what was called free trade. He could understand the desirubleness (sic) of free trade between the different parts of the same empire, and hoped to see the day when Canada would be recognized as *British ground*, — the English sending here their manufactures duty-free, and they in their turn receiving Canadian produce duty-free. If such an arrangement seemed to our fellow subjects at home, too favourable to us, by themselves at any time becoming colonists they could enjoy the advantages they envy, without leaving the protection and laws of the British Empire. — With regard to timber, it would not be more unjust to the colonies than injurious to the general interests of the empire to pay the foreigner as much for his timber in specie as England pays the colonies in her manufactures, whose price includes all the taxes which sustain the empire. He was willing that the question should be argued wholly as a consideration of British policy apart from what could be viewed peculiarly Canadian interests. — British interests had originated the protection to Canadian timber, and he was willing that its continuance should be argued for wholly with reference to what is best for the general interests of the Empire. It ought not however to be forgotten what was the excited state of public feeling in England, in 1808, when cut off by war from all supply of timber. This called into existence that committee of the House of Commons which recommended the timber protection duty to induce British subjects to emigrate to the



colonies as lumberers, and he (Mr. Buchanan) had every confidence, that any modification of the protection will be so prospective, as sufficiently to guard the interests of those, who have embarked large means in the Canadian timber trade through the inducement of acts of the Imperial Parliament. His (Mr. B's) object in rising, was to refer to that great revenue juggle lately proposed by the Chancellor of the Exchequer, commonly known as Mr. Labouchere's resolutions, whose principle was to tamper with and sacrifice great and staple interests for the sake of mere revenue arrangements. It was iniquitous to argue that these regulations would confer any advantage on Canada at all, to compensate for the protection to our products in the home market. They allow us to buy from other countries, after depriving us of the means wherewith to do so!! And their effect on British manufactures and British shipping would be most fatal. The effect of these resolutions would be, to make a foreign port (New York) our port of supply. Under their operation, we should immediately be supplied with American cotton manufactures instead of British; and gradually all other American fabrics would supercede English goods in Canada, and thus, eventually, *one* good argument would be put in the mouth of free trade theorists and revolutionists at home, "that Canada in reality is not a consumer of the manufactures of the empire." He (Mr. Buchanan) thought, the less we have to do with the Yankees, the better for ourselves, and certainly the better for England. — The Americans do not act upon free trade principles. They do not take our Canadian produce, and consequently our trade with them must necessarily be paid with English money.<sup>37</sup>

**Mr. Parke** coincided with the opinions of the member for Oxford at an early period of the discussion. The days of protective duties he looked upon as numbered. Nor did he think it reasonable to expect that the people of Great Britain would continue with their eyes open to pay the same price for inferior Canadian timber, as they paid for superior Baltic. Agriculture in the hon. member's opinion was of a far greater and more lasting importance than the timber trade.<sup>38</sup>

**Mr. Moffatt** asked how agriculture was to prosper here, if the lumber trade was annihilated? Mr. Merritt had proposed to remove all duties *pro* and *con*. Now, of the £400,000 duties on British manufactures imported into the Province, he would not hesitate to say, that the lumber trade contributed £350,000 — and as to the immorality of it, when a chairman of committee of Legislative Council, he had on one occasion been able to ascertain the untruth of such a charge.<sup>39</sup>

**Mr. Williams** declared as a magistrate, the trade was grossly demoralizing, and instanced where many farmers had been most ruinously robbed of valuable trees worth £50 each which had been cut down by these fellows and dishonestly sold, under a fabricated assertion that they were for the use of the government which would indemnify the parties.<sup>40</sup>

**Mr. Holmes** said that the duties having spontaneously originated with Great Britain, could not be withdrawn rashly without having a ruinous tendency. As regarded the immorality of the lumber trade, he perfectly agreed with those who had disclaimed against it in that respect — and with respect to its being an interest paramount to agriculture, he was much more inclined for the permanent and general welfare of the colony to support the converse.<sup>41</sup>

**Mr. Neilson** the hon. mover, having listened as he said till he was tired to a tautology of opinions, was desirous of hearing the votes of hon. gentlemen and not their speeches.<sup>42</sup>

Some further repetition however still took place — but he was listened to with much impatience.<sup>43</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair.

Committee reports  
resolution.

And Mr. Moore, reported that the Committee had come to several Resolutions, which Resolutions were again read at the Clerk's Table, and agreed to by the House, and are as followeth : —

1st Resolution.

1. *Resolved* — That we have learned with serious apprehensions, that Her Majesty's Government has recently proposed to the House of Commons an unfavourable alteration in the scale of duties levied on Foreign and Colonial Timber and Deals, on their importation into the United Kingdom.



2nd Resolution.

2. *Resolved* — That the said relative scale of duties has remained nearly the same, during the last thirty years.

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3rd Resolution.

3. *Resolved* — That the discriminating duty in favour of Colonial Timber and Deals, was originally established without any solicitation on the part of the Inhabitants of the Colonies, and was considered by them as connected with objects of national policy, and therefore likely to be permanent, and they accordingly embarked their Capital and industry in the Trade of preparing and bringing to the Home Market the produce of the Forests of *Canada*, which Trade, during the continued encouragement of the said relative scale of duties, has grown, from the loading, in part, a few Vessels frequenting the *Saint Lawrence*, to the loading of more than a thousand large Ships annually.

4th Resolution.

4. *Resolved* — That the competition in the Trade in Timber and Deals in the Colony, is free to all Her Majesty's Subjects, and that under an unfavourable alteration of the existing duties, the Trade must, almost altogether, cease, and a great part of the Capital vested in the Trade, and in Lumbering Establishments, be lost, while a very large portion of the Inhabitants must be deprived of their usual employments — the Agriculturists be, to a great degree, deprived of a near and advantageous market for their produce — importations be greatly diminished, and the Province left without a sufficient Revenue for the support of its local Government, the discharge of its existing engagements, and providing for the public wants.

Petitions to be sent to H. M., and Im. Parl.

*Resolved* — That humble Petitions to Her Majesty, and both Houses of the Imperial Parliament, be drawn up in conformity to the said Resolutions.

*Resolved* — That a Committee of five Members be appointed to draft the said Petitions.

Committee to draft Petition.

*Ordered* — That Mr. *Neilson*, Mr. Attorney General *Draper*, Mr. *Baldwin*, Mr. *Thorburn*, and Mr. *Buchanan*, do compose the said Committee.

House goes in to Com. of whole on certain ordinances relating to the Corporation of Quebec.

The Order of the day for the House in Committee to consider any and what amendments are necessary to two certain Ordinances of the Governor and Special Council of the late Province of *Lower Canada*, relating to the incorporation of the City of *Quebec*, being read.

The House accordingly resolved itself into the said Committee,

Mr. *Ruel* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

A Resolution reported.

And Mr. *Ruel* reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's Table, and agreed to by the House, and is as followeth : —

Resolution.

*Resolved* — That it is expedient to repeal certain clauses of two Ordinances of the Governor and Special Council, 3rd and 4th VIC., Cap. 25 and 4th VIC., Cap. 31st, relating to the Incorporation of the City of *Quebec*, and also to amend the said Ordinances so as to render the said Corporation elective within the least possible delay, and to extend and limit the powers of the said Corporation.

Resolution referred to a Select Committee.

*Resolved* — That the said Resolution be referred to a Committee of five Members to report thereon, with all convenient speed, by Bill or otherwise, with power to send for persons, papers, and records.

Committee formed.

*Ordered* — That Mr. *Neilson*, Mr. *Morin*, Mr. Attorney General *Draper*, Mr. *Price*, and Mr. Solicitor General *Day*, do compose the said Committee.

Order of day for House in Com. on amending Judicature Acts of Gaspé, postponed 'till to-morrow.

The Order of the day for the House in Committee to take into consideration the expediency of altering and amending the judicature Acts relating to the Inferior District of *Gaspé*, being read,

*Ordered* — That the said Order of the day be postponed until to-morrow.

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House goes into  
Com. on North  
American Colonial  
Association of  
Ireland bill.

The Order of the day for the House in Committee on the Bill to authorize the *North American Colonial Association of Ireland* to loan moneys, and to prosecute certain public works in the County of *Beauharnois*, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Hincks*, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Progress.

And Mr. *Hincks* reported that the Committee had made some progress and had directed him to move for leave to sit again.

Sit again on Friday  
next.

*Ordered* — That the said Committee have leave to sit again on *Friday* next.

Order of the day for  
House in Com. on  
the Inspection Laws,  
postponed till  
Wednesday  
the 4th August.

The Order of the day for the House in Committee to take into consideration the expediency of allowing the exportation from this Province of Flour and Meal, Pot and Pearl Ashes, and Beef and Pork, without inspection, and of amending and consolidating the Laws now in force in this Province in relation to the inspection of the said Commodities, and other references, being read,

*Ordered* — That the said Order of the day be postponed until *Wednesday*, the 4th day of *August* next.

The names of the Members present were taken down, as followeth : —

Mr. Speaker,

Mr. *Armstrong*, Mr. *Baldwin*, Mr. *Borne*, Mr. *Boutillier*, Mr. Solicitor General *Day*, Mr. *Derbshire*, Mr. Attorney General *Draper*, the Honorable Mr. *Dunn*, Mr. *Durand*, Mr. *Hincks*, Mr. *Holmes*, Mr. *Johnston*, Mr. *McLean*, the Honorable Mr. *Moffatt*, Mr. *Moore*, Mr. *Morin*, Mr. *Raymond*, and the Honorable Mr. *Viger*.

House adjourns for  
want of Quorum.

And at half past eleven o'clock at night, Mr. Speaker adjourned the House for want of a quorum.

Footnotes — 26 July 1841.

1. The discussion arising from the reading of this petition was reported in : *KINGSTON CHRONICLE*, 31 July 1841 ; *BRITISH COLONIST*, 4 August 1841 ; *ST. CATHARINES JOURNAL*, 12 August 1841, copied from *BRITISH COLONIST*, 4 August 1841 ; *EXAMINER*, 4 August 1841 ; another report in *EXAMINER*, 4 August 1841, identical to report of *KINGSTON CHRONICLE*, 31 July 1841 ; *MONTREAL GAZETTE*, 29 July, commentary and report of debate ; *WESTERN HERALD*, 11 August 1841.

2. *KINGSTON CHRONICLE*, 31 July 1841.

3. *IBID.*

4. *IBID.*

5. *BRITISH COLONIST*, 4 August 1841.

6. *KINGSTON CHRONICLE*, 31 July 1841.

7. *IBID.*

8. *BRITISH COLONIST*, 4 August 1841.

9. *KINGSTON CHRONICLE*, 31 July 1841.

10. *IBID.*

11. *IBID.*

12. *IBID.*

13. *IBID.*

14. *IBID.* According to *BRITISH COLONIST*, 4 August 1841, the committeemen were : Thorburn, Merritt, Small, Roblin and Neilson.

15. This motion "was carried without any opposition, many of its former supporters, having pronounced it as little better than a humbug." *BRITISH COLONIST*, 4 August 1841. And the *MONTREAL GAZETTE*, 29 July 1841, reported : "There was very little said on the present occasion, as many who had, on a former vote, supported the work, said it had fallen off, and had not met their views either in its usefulness, correctness, or regularity." Similar comments on both the debate, and additional comments on the *MIRROR OF PARLIAMENT* itself are found in : *EXAMINER*, 4 August 1841.

16. The results and the discussion arising from this motion were reported in : *BRITISH COLONIST*, 4 August 1841 ; *ST. CATHARINES JOURNAL*, 12 August 1841, copied from *BRITISH COLONIST*, 4 August 1841 ; *LE CANADIEN*, 30 July 1841 ; *MONTREAL GAZETTE*, 29 July 1841.

17. *MONTREAL GAZETTE*, 29 July 1841.

18. *LE CANADIEN*, 30 July 1841.

19. BRITISH COLONIST, 4 August 1841.
20. The remarks following this vote were reported in : MONTREAL GAZETTE, 29 July 1841 ; LE CANADIEN, 30 July 1841, commenting upon the discussion ; BRITISH COLONIST, 4 August 1841 ; ST. CATHARINES JOURNAL, 12 August 1841, copied from BRITISH COLONIST, 4 August 1841 ; EXAMINER, 4 August 1841, commenting upon the discussion.
21. BRITISH COLONIST, 4 August 1841.
22. The debate on the timber question was reported in : BRITISH COLONIST, 4 August 1841 ; ST. CATHARINES JOURNAL, 12 August 1841, copying from BRITISH COLONIST, 4 August 1841 ; MONTREAL GAZETTE, 30 July 1841 ; WESTERN HERALD, 11 August 1841 ; LE CANADIEN, 4 August 1841 ; MONTREAL GAZETTE, 29 July 1841, provides a commentary on the debate.
23. WESTERN HERALD, 11 August 1841.
24. BRITISH COLONIST, 4 August 1841.
25. WESTERN HERALD, 11 August 1841.
26. IBID.
27. IBID.
28. LE CANADIEN, 4 August 1841.
29. IBID.
30. IBID.
31. BRITISH COLONIST, 4 August 1841.
32. LE CANADIEN, 4 August 1841.
33. IBID.
34. IBID.
35. BRITISH COLONIST, 4 August 1841.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.



**Tuesday, 27 July 1841.**

*Petitions brought up.*

Archibald M'Donnell, and others.

Nicholas Gifford and others.

John Cameron.

Rev. Wm. Anderson.

H. Robinson and others.

Joseph Masson, and others.  
W. B. Jarvis, and others.  
Mayor, &c. of Toronto.  
Charles Tait, and others.  
Jamer Kennedy, and others.

William Young, and Donald W. Phail.

House to go into Com. of whole, on District Court Law of U. C., on Thursday next.

Message from His Excellency the Gov. Gen., relative to estimates ending Dec. 1841, referred to Com. of nine members.  
Committee.

Petition of Duncan Patton, and others, referred to Special Com. on measurement of timber, &c.

Leave of absence to Mr. Gilchrist.

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The following Petitions were severally brought up, and laid on the Table : —

By Mr. Attorney General *Draper*, the Petition of *Archibald Mc-Donnell*, and others, of the Townships of *Gloucester*, *Osgoode*, and *Russell*; and the Petition of *Nicholas Gifford* and others, of the *Ottawa* District.

By Mr. *McLean* — The Petition of *John Cameron*, of the Township of *Finch*, county of *Stormont*.

By Mr. *Neilson* — The Petition of the Reverend *William Anderson*, and others, of *Wm. Henry*.

By Mr. *Foster* — The Petition of *H. Robinson*, and others, of the Township of *Shefford*, county of *Shefford*.

By Mr. *Holmes* — The Petition of *Joseph Masson*, and others, of *Toronto* — the Petition of *W. B. Jarvis*, and others, of the City of *Toronto* — the Petition of the Mayor, Alderman, and commonalty, of the City of *Toronto*, and the Petition of *Charles Tait*, and others, of *Montreal*.

By Mr. *Robertson* — The Petition of *James Kenedy*, and others, of the Township of *Chatham*, county of *The Lake of Two Mountains*.

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and the Petition of *William Young*, and *Donald W. Phail*, of the Township of *Chatham*, county of *The Lake of Two Mountains*.

On motion of Mr. Attorney General *Draper*, seconded by Mr. Solicitor General *Day*.

*Resolved* — That this House will, on *Thursday* next, resolve itself into a Committee of the whole House on the District Court Law of *Upper Canada*, as regards the payment of Judges and Clerks.<sup>1</sup>

On motion of the Honourable Mr. *Harrison*, seconded by Mr. Solicitor General *Day*.

*Resolved* — That so much of the Message of His Excellency, the Governor General, as relates to the Estimates for the year ending 31st December, 1841, together with the Documents connected therewith, transmitted to this House on the 20th instant, be referred to a Committee of nine Members, consisting of the Honourable Mr. *Harrison*, the Honourable Mr. *Daly*, the Honourable Mr. *Moffatt*, Mr. *Neilson*, Mr. *Hincks*, Mr. *Holmes*, Mr. *Merritt*, Mr. *Cameron*, and Mr. *Quesnel*, to report thereon with all convenient speed; with power to send for persons, papers, and records, and that the 77th Rule of this House be dispensed with in so far as relates to the appointment of this Committee.

*Ordered* — That the Petition of *Duncan Patton*, and others, Cullers of Timber, of *Quebec*, presented to the House yesterday, be referred to the Special Committee to which was referred the Bill to regulate the Inspection and Measurement of timber, masts, spars, deals, staves, and other articles of a like nature, in the Ports of *Quebec* and *Montreal*, and for other purposes relative to the same.

*Ordered* — That Mr. Gilchrist have leave to absent himself from this House until the 1st day of *August* next, on urgent business.

Message from  
Legislative Council

A Message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery.

MR. SPEAKER,

Court of Chancery  
Bill passed by  
Legislative Council.

The Legislative Council have passed a Bill, intituled, "*An Act to explain and amend an Act passed in the Provincial Parliament of Upper Canada, in the seventh year of the Reign of King WILLIAM the Fourth, intituled 'An Act to establish a Court of Chancery in this Province,' and to render more effectual the said Court,*" to which they desire the concurrence of the Assembly.

And then he withdrew.

Bill read 1st time.

An engrossed Bill from the Legislative Council, intituled "*An Act to explain and amend an Act passed in the Provincial Parliament of Upper Canada, in the seventh year of the Reign of King WILLIAM the Fourth intituled 'An Act to establish a Court of Chancery in this Province,' and to render more effectual the said Court,*" was read for the first time.

The Honorable *S. B. Harrison*, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency, the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the members of the House being uncovered, and is as followeth : —

SYDENHAM.

Message from His  
Excl'y. the Gov. Gen.,  
on provision for  
salaries of Judges  
and Clerks of District  
Courts.

The Governor General recommends to the House of Assembly that provision be made for the salaries of the Judges and Clerks of the

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District Courts and Division Courts in that part of the Province heretofore called *Upper Canada*, to meet the possible contingency of the General fee fund created not being in the first instance adequate for that purpose.

Government House,  
Kingston, 27th July, 1841. }

Committee of whole  
House on printing of  
Journals report  
Resolution.

Mr. *Child*, from the Committee of the whole House to take into consideration what number of the Journals should be printed for each and every Session during the present Parliament, and to whom such printed Journals should be given, reported, according to Order, the Resolution of the said Committee, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth : —

500 Copies of  
Journals to be printed.

*Resolved* — That *five hundred* copies be printed of the Journals of this House, with the Appendix thereto, after every Session, to be disposed of as follows : —

Distribution of  
Journals.

*Three* copies to each Member.

*One* copy to each of the Members of the Legislative Council.

*Six* copies to His Excellency, the Governor General.

*Three* copies in *English*, and two in *French*, to the Library of the Legislature.

*One* copy each, to the Governors, Legislative Councils, and Assemblies, of *New Brunswick, Nova Scotia, Newfoundland, Prince Edward's Island, the Island of Jamaica, and Island of Bermuda.*

*Two* copies to the Colonial Department.

*Three* copies to the Library of the House of Commons.

*Three* copies to the Library of the House of Lords.

*Six* copies to the Clerk's Office for the use of this House.

*One* copy to each Law Library in this Province, as the Speaker may direct.

Speaker to communicate aforesaid resolution to the authorities mentioned in as far as respects them severally requesting them to forward in return copies of their Colonial Journals. Municipal Corporation bill read second time. Bill to be referred to Committee of whole on Thursday next. House goes into Com. on Board of Works bill.

And that Mr. Speaker be requested to communicate to the Governors and the Speakers of the Legislative Councils and Assemblies of the above-mentioned Colonies and Islands, so much of this Resolution as relates to them respectively, with a request to the several Legislative Bodies that they will transmit a copy of their own Journals in return.

A Bill to provide for the better internal Government of that part of this Province heretofore *Upper Canada*, by the establishment of local or municipal authorities therein, was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Thursday* next.

The Order of the day for the House in Committee on the Bill to repeal certain ordinances therein mentioned, and to establish a Board of Works in this Province, being read,

The House accordingly resolved itself into the said Committee.

Captain *Steele* took the chair of the Committee.<sup>2</sup>

Upon clause 6, to incorporate the Board, some discussion arose: — **Mr. Day** said, that it was merely intended to give the Board an individuality, as a body corporate, in trust for the execution of Public works.<sup>3</sup>

**Mr. Killaly** maintained, that it was upon the same principle that the Board of Works was established in Ireland.<sup>4</sup>

**Col. Prince** regarded it as a decided benefit, that it should be incorporated — any parties coming into collision with it having then a tangible substance to lay hold of.<sup>5</sup>

**Mr. Merritt** was for having the Board regulated upon the New York plan, for which he seemed to entertain a great partiality.<sup>6</sup>

**Mr. Viger** appeared to be opposed to the bill altogether, regarding it as injurious to public improvements, instead of promoting them.<sup>7</sup>

**Mr. Merritt**, in answer to some observations relative to the Welland Canal Company, said that the power which had been conferred upon it, had been conferred upon a body, who had actually gone to the expense of a public work.<sup>8</sup>

**Mr. Baldwin** was of opinion that any *other* servants of the public had an equal right to be incorporated as well as those who would compose the present Board.<sup>9</sup>

**Col. Prince** considered that it was in every way similar to the Board of Ordnance, and in answer to some remarks upon American improvements, observed that to their cost, British capitalists knew all about them.<sup>10</sup>

**Mr. Hincks** looked upon the act of incorporation as a protection for the public against the government.<sup>11</sup>

The 9th clause rendering all plans, surveys and estimates subservient to the approval of the Governor, was pronounced by ((Mr.)) **Merritt**, as another proof of the intentions of the Executive to monopolize all control over the Board.<sup>12</sup>

**Mr. Harrison** said in answer, that the clause merely provided that *all improvements* should be sanctioned by the Governor, the house still possessing the power of voting the *sums* necessary to *effect* them.<sup>13</sup>

**Mr. Cameron** was decidedly in favour of an incorporated public Board of Works, having seen quite sufficient to disgust him with private schemes, which were got up with much plausibility, and carried out most selfishly. Witness, said the hon. member, (as an allusion has this day been made to the States,) the railroad companies in Michigan, where five millions of dollars have been pouched by some of this description of disinterested speculators — while the only portions of road which the public have got for the money might have been effected for a decimal of the amount.<sup>14</sup>

**Mr. Moffatt** could not see how the clause could give any undue power to the executive.<sup>15</sup>



**Mr. Parke** said it appeared to him, that the only responsibility to be recognized, was the despotic responsibility of the house, which was responsible to none.<sup>16</sup>

**Mr. Johnston** observed, that if scientific men had been judiciously employed on the Welland Canal and the St. Lawrence, those works would present very different features to what they do now.<sup>17</sup>

**Mr. Merritt** defended the public works in Canada, and gave as a corrected estimate of the Welland Canal expenses, £500,000.<sup>18</sup>

**Mr. Small** said that he was perfectly satisfied with the responsibility which the bill involved, a vote of the house being necessary to furnish funds.<sup>19</sup>

**Mr. Hincks** rather damaged the character of Welland Canal management, by giving some details relative to it: among them, vouchers for money signed by a cross only, — no witness.<sup>20</sup>

Clause 15, **Mr. Merritt** was at issue with, considering it impossible to form a correct estimate of the expense of a given work.<sup>21</sup>

**Mr. Killaly** did not appear to take this as a compliment to the professional ability of engineers, which he considered involved in the indispensibility (sic) of such a quantum of judgment.<sup>22</sup>

**Mr. Draper** confirmed the advantage of this clause, (that no public work shall be undertaken unless the means are adequate to it,) by mentioning an instance, where by computation, it was ascertained that one item alone would have swallowed up the funds that were to embrace the whole.<sup>23</sup>

**Mr. Cameron** pronounced the Welland Canal to be a job at both ends and money in the middle!! (hear, hear,) and hoped that when the present board was established we should no longer see a canal widened on some people's lands, and economically narrowed on others.<sup>24</sup>

**Mr. Thorburn** defended the Welland Canal, exonerating his friend (the member for Lincoln N. Riding) from having reaped any pecuniary benefit from it.<sup>25</sup>

**Mr. Boswell** said if the clause was a trap, the government itself would fall into it.<sup>26</sup>

Several clauses were added to the bill; — That the acts should be submitted yearly to the House of Assembly, — That the expenses (probably meaning salaries) should be limited to the provision of the Union Act, £3000, — That any members of the Legislative Assembly of the Province of Canada, who shall hereafter accept the appointments of chairman or secretary to the board, (the first appointments excepted) shall there and then vacate their seats, with the privilege of being re-elected, should their constituents so approve —<sup>27</sup>

Several clauses ((were)) ... adopted cosecutively.<sup>28</sup>

**Mr. Hincks** moved seconded by **Mr. Moffatt**, that the president of the Board of Works during his continuance in office shall not be capable of sitting in the House of Assembly as a member thereof, nor of being appointed an Executive Councillor.

On making this motion **Mr. Hincks** observed that he was as strong an advocate for responsible government as any hon. member of that house, but he did not think that the President of the Board of Works should be allowed to hold any responsible office other than that of President of that Board. He would have quite enough responsibility resting upon him, and would have quite enough to engage his attention without being a member of that house or an Executive Councillor. He should be divested of all political responsibility.<sup>29</sup>

**Mr. Small** said he would not have been surprised to hear this clause moved on by an hon. gentleman who was opposed to responsibility. He was not surprised that the hon. gentleman from Montreal had seconded it; that hon. gentleman had declared himself averse to responsibility. But that an hon. gentleman so acute, so cautious, so prudent as the hon. gentleman from Oxford should have been the mover of a question of this kind seemed certainly rather extraordinary. Now, if we have responsible government (said **Mr. Small**)

it strikes me that the very principle of responsible government requires that the government shall be represented in this house by heads of departments; and I cannot conceive that there is a department which is of more importance than the Board of Works. I think it is one which will advance the interests of the country more than any other; I think it is one which will give satisfaction to the country. If the hon. gentleman had not been so quick with his motion I intended to have moved that any member of the Assembly who shall accept the office of President of the Board of Works shall vacate his seat and return to his constituents for re-election. (Hear, hear.) This I think would have been a sufficient safeguard. — (Hear, hear.) This is a system which I desire to be carried out. (Hear, hear.) But we have no right to prescribe to the constituency of the country whom they shall elect and whom not, if qualified, according to the laws now in force, in other respects, we have no right to preclude any one from being elected. — And a gentleman having gone before his constituency as President of that Board, and having been elected while he was such President, we are bound to believe that he possesses the full confidence of his constituency. No one should be excluded except it be the Judges of the land.<sup>30</sup>

**Mr. Thorburn** said he really thought the hon. and learned gentleman had been too severe upon the hon. mover of the resolution, in saying that he had departed from the principles of responsible government. He (Mr. Thorburn) was inclined to think that he was still acting (in) defence of those principles in moving the clause he had moved. He is desirous of dividing the responsibility, that too much may not rest upon a single individual.<sup>31</sup>

**Hon. Mr. Harrison** said he must confess he was considerably surprised at the amendment of the hon. and learned gentleman. It assumes a two-fold character; in the first place it takes away the right of the constituency to elect a gentleman who happens to preside over the Board of Works, and in the next place it limited the prerogative of the crown. These two objections would appear to be quite sufficient; but (Mr. Harrison continued) I must again express my surprise when I see a strong advocate for responsible government bringing forward a motion of this description. I do not hasten, to say that it is essential that the gentleman at the head of the Board of Works should be a member of this hon. House; but it must be confessed that it would be a matter of very great importance. I think the view taken by the hon. and learned member for the third riding of the county of York is a very proper one, that any one, being a member of this house, who accepts that office should return to his constituents. It is quite right that this should apply to the chairman and secretary of that Board; but as to the other members of that Board, they have no salaries and cannot be considered as being under executive influence in the smallest degree. I hope the hon. member will see the necessity of withdrawing his amendment.<sup>32</sup>

**Mr. Moffatt** said he could not see that this question affects the principle of responsible government. He would not admit that it was necessary the Chairman of the Board of Works should have a seat in that house. The government is bound to defend the conduct (sic) of its servants or to dismiss them from office. This is the conduct which I approve on the part of the government; and because I would desire that we should have an efficient Board of Works, I would not have the intention of the gentleman at the head of that Board withdrawn from it. That gentleman being necessarily a scientific person, should not be rendered liable to be removed from office in the event of differing from the views of a majority of this house. It is under these considerations that I have seconded the resolution of the hon. gentleman from Oxford.<sup>33</sup>

**Mr. Baldwin** said he certainly concurred in what had fallen from the hon. gentleman from Montreal and the hon. gentleman from Oxford. The simple question is, is it expedient or not that this should be one of the heads of departments having seats in this house, which is to be considered responsible to the representatives of the people? I certainly think the office of President of the Board of Works should not be a political office. If it be now adopted as a part of the system of responsible government that the head of the Board of Works shall be a political officer, removable from this office in the same manner as other officers of the Executive government, it will be necessary that not only the gentleman who fills that office at present but his successors also shall be members of this house. This in my opinion will be throwing an embarrassment in the way of carrying out that responsibility to which we are all willing to give a fair trial. I think the hon. gentleman is giving the best evidence of his sincerity in favor of responsible government by bringing forward this amendment. I for my part shall heartily support the amendment, and I hope it will be supported by the house.<sup>34</sup>



**Mr. Parent** said that in passing the bill now before the committee they should endeavor to render the Board of Works as efficient as possible. And he thought the best way to render it efficient was by adopting the amendment of the hon. gentleman. The gentleman filling the situation of President of that Board must necessarily possess qualifications of a very superior order. It is a very responsible situation, and by passing the bill without the amendment which has been now proposed, you run the risk of losing a very useful officer, and one whose place it will be difficult to fill. The President of this Board will exercise an immense influence by his control over all public works, and over the expenditure of large sums of money, (to the extent, perhaps of a million and a half,) in the improvements of the country, and if you make it necessary that this officer shall hold his situation only so long as he votes with the majority, you put him completely under the influence of parties. Now he would not put him in this situation. For this reason he would support the amendment.<sup>35</sup>

**Mr. Boswell** said he should oppose the amendment, and he should do so, as the staunch friend of the principles of responsible government professed, and no doubt sincerely, by hon. gentlemen. The only argument which he had heard against allowing a seat in that house to the chairman of the Board of Works, was, that the situation was one of great responsibility (sic), requiring a person of eminent acquirements, and in case of a vote of want of confidence he would have to vacate his office. Now in the first place this argument is applicable to every individual in the ministry, and he would ask is not the office of Attorney or Solicitor General a difficult office to fill? (Hear, hear.) Is it right that the gentleman who fills the office of President of the Board of Works is to be excluded from a seat in this house, simply because he fills that situation? If he be a gentleman of that talent which enables him to command the confidence of a majority of the country on the one hand and the government on the other, he will of course retain his situation. He (Mr. Boswell) perfectly agreed with what had been stated by the learned member for the town of Kingston, that it is infringing on the prerogative of the Crown as well as the rights of the people. There are not so many distinguished individuals in the province, that the legislature ought to narrow the choice of the people. The amendment suggested by the hon. gentleman from the third Riding of York or somewhat similar to that, he (Mr. Boswell) would readily support, but to say that the individual appointed to this office should not be re-elected is certainly a principle which they were not borne out in adopting.<sup>36</sup>

**Colonel Prince** said the subject had been handled with great ability, and by none more so than by the hon. and learned gentleman who had just sat down. He (Col. Prince) would therefore content himself with making very few remarks upon it. He could see no reason why a scientific gentleman standing at the head of the Board of Works should be excluded from a seat in that house; but on the contrary there were many reasons why he should not be excluded. He believed it was in perfect accordance with the doctrine of responsible government that a gentleman holding this high and important situation — a situation of profit and emolument — should have a seat in the House of Assembly. Cases had been cited, some of which were analogous and some are not. He (Colonel Prince) would give one which he considered precisely analogous: in England the Master General of Ordnance is almost invariably a member of the House of Commons. I recollect (said Col. Prince) a question came before the House of Commons which in some degree affected the ministry. Lord Beresford who was then Master of Ordnance, being a member, gave his vote according to his conscience as a private member, without reference to ministerial interests: the next day Lord Wellington sent for him, and made this very significant remark: as Lord Beresford you will of course vote as you think proper; but as Master of Ordnance you must vote with the ministry. I can see no reason why the President of the Board of Works should be excluded than the Master of Ordnance should. Generally speaking, officers of this description should have seats in the House, with the proviso, however, that upon every new appointment they go back to their constituents.<sup>37</sup>

**Mr. Roblin** said he was of opinion that it was wrong to create a disability where none existed before. He was not aware that there was any disqualification at present existing which prevented any one whom his Excellency might name, from sitting at the Council Board; and he thought they should consider carefully before they created any disqualification.<sup>38</sup>

**Mr. Cook** said he thought that since he had been a member of that house he had not seen a measure proposed which was more calculated to infringe upon the prerogative of the Crown than the amendment proposed by the hon. gentleman; he would always



consider it his paramount duty to protect the House of Assembly against any rash act of that kind. It was assuming a power which they did not really possess: they had no right to dictate to the Governor General whom he should select to compose his Council.<sup>39</sup>

**Mr. Hincks** said as he had been charged by several hon. members as acting contrary to the principles of responsible government, he would take the liberty of making a few remarks. He believed there was nothing in the resolution which he had proposed which could be construed as unfavorable to responsible government. The question is, ought the situation of President of the Board of Works to be a political one? There is no doubt that gentlemen who hold office ought to be responsible, but whether this is such an office as ought to be placed upon the same footing as a political office is questionable. If I thought the resolution would have the effect of embarrassing (sic) the views of the hon. and learned gentleman who introduced the bill, I would not have offered it. I desire to see that bill become a law, but I cannot see that the bill would be materially affected by it; and I think the gentleman who presides over that Board will be able to perform the duties of his office more satisfactorily to himself and to the country if he is not a member of this house. If the country was in a situation to multiply public offices it would be all very well; but there was no necessity for any thing of the kind. Upon — looking over a division in this house the other day, he found the proportion of government officers who voted upon that division was very great indeed; out of nineteen who voted on one side of the question eight or nine were members of the government. Hon. gentlemen talk about the desire to take away the rights of the people; it is not favorable to the rights of the people that there should be too many dependants on the government in the House of Assembly. With regard to the latter part of the resolution he (Mr. Hincks) had no desire to press its adoption if contrary to the sense of the house; but he certainly continued to think that it was of great importance that the gentleman at the head of the Board of Works should not sit in that house as a member thereof.<sup>40</sup>

**Mr. Merritt.** — I have my apprehensions, I must confess, respecting making the Board of Works a political office. We should look more to its utility than to its political effect. As to excluding him from a seat in that house it would no doubt be a benefit to him individually. (Hear, hear.) But that exclusion might operate unfavorably in changing the whole plan of the measure proposed by the hon. and learned member. Another plan might be adopted — the duration of the bill might be limited. Let the Board of Works have a trial, and if found to work well let it be continued.<sup>41</sup>

**Mr. Johnston** said he was desirous of supporting the amendment. Without that he thought the gentleman at the head of the Board of Works would have an exceedingly arduous duty imposed upon him. A man cannot serve two masters, and he (Mr. Johnston) was not favorable to a plurality of offices. As to the humbug of responsibility, it would before long be knocked in the head altogether.<sup>42</sup>

**Mr. Parke** said, under the system of government heretofore practiced in Upper Canada, when the Government and the House of Assembly were antagonists, striving to injure and counteract the operations of each other, there was some show of reason for an attempt of this kind to limit the prerogative of the Crown. But under the new and more genial order of things, the Government, instead of being the antagonist of the people, desires to conduct the administration of affairs in harmony with their wishes, as expressed in the Legislature. — (Hear, hear.) And if the government is to be conducted in accordance with the wishes of the people, a man cannot be the servant of one without being so of the other also. The office of President of the Board of Works is connected with some of the most vital interests of the country; upon it will depend some of those great public improvements by which the country is to be materially benefitted. He was perfectly satisfied that the adoption of a resolution of this description would go far towards discouraging the very principle which they had so many years been laboring to establish. — (Hear, hear.) Instead of sapping the very foundation of that principle they ought to cherish it. He believed that excluding that officer from a seat in the house was not in accordance with what the people desired.<sup>43</sup>

**Mr. Hincks** said if anything were wanting to make him fully satisfied of the necessity of this amendment, it would be supplied by the speech of the hon. gentleman. The hon. gentleman said that the constituency which had elected the hon. gentleman from London did so, knowing that he was already at the head of the Board of Works. He (Mr. Hincks)

believed there were few constituencies having large public improvements in contemplation who would not be desirous of having that hon. gentleman for their representative. For this very reason, if for no other, he (Mr. Hincks) thought he should be excluded from Parliament. There being an impression, however, that it would be fatal to the bill to press this amendment, and being anxious that the bill should not be endangered, with the permission of hon. members he would withdraw the amendment.<sup>44</sup>

The amendment was accordingly withdrawn.<sup>45</sup>

**Mr. Small** moved that any member of that hon. house who should hereafter accept the office of President of the Board of Works shall upon accepting such office vacate his seat, which after a short discussion was negatived.<sup>46</sup>

**Mr. Durand** moved that the duration of the act be limited to four years.<sup>47</sup>

**Solicitor General Day** suggested that it might be found exceedingly inconvenient that the act should cease perhaps at a time when there were important works in progress. In whose hands then would be the power of carrying on the public works be vested upon the lapse or cessation of the operation of the bill?<sup>48</sup>

**Mr. Durand** would ask if the learned and hon. gentleman was not willing to trust to the legislature for renewing the act. In order to meet the views of the officers of the government he (Mr. Durand) was perfectly willing to support the bill; but as it was only an experiment and would doubtless be attended with expensive machinery, he thought it should be limited in its duration.<sup>49</sup>

**Mr. Johnston.** — The hon. gentleman forgets that we may repeal the act if we please next session.<sup>50</sup>

**Mr. Baldwin** said the committee, he thought, would consider the peculiar position in which the country is placed. The advisers of his Excellency have acknowledged that they are responsible to this House, but at the same time that they hold out this concession to the wishes of the country, it must be recollected that the civil list has been permanently provided and this house has not therefore, that check upon the Executive. This is one of the evils which the permanent civil list is going to entail upon the country; that we are to be obliged to make temporary laws. He should support the amendment and he hoped the committee would adopt it. The Board of Works is as yet but an experiment; and if after some years it be found to work well there will be no difficulty in reviving it. A sort of threat had been held out that by limiting the duration of the act it would endanger its passage, but he did not think that they should be deterred from making any useful provision lest the bill might be defeated in consequence of such necessary provisions.<sup>51</sup>

**Mr. Chesley** said he hoped the house would not make itself so ridiculous in the eyes of the public as they would do by allowing to appear upon the journals two amendments so completely contradictory as the two which had been proposed; the one to provide that the President of the Board should vacate his seat upon appointment to office, and again that the law shall be in force only four years.<sup>52</sup>

**Col. Prince** said, the motion was certainly plausible, but he had not heard the objections of the hon. and learned gentleman from Ottawa answered satisfactorily. What are to become of the works which may happen to be in progress when the bill expires. But there was another thing to be considered, they had been told in the speech from the throne that the government in England were pledged to loan us a million and a half to be expended on public improvements. Before they advance this sum it is probable they will desire to see some permanent measure to provide for its proper expenditure. No government, and no individuals, would advance such a sum when they find upon the face of the statute a clause which puts a stop to its operation in the space of four years.<sup>53</sup>

**Mr. Viger** said he was not aware that it was provided that the million and a half should pass through the hands of the Board of Works. He (Mr. Viger) had already declared that he did not entirely approve of the bill. It did not contain such enunciation of principles as satisfied him. However, as the majority of the house were against him he was bound to submit. It would scarcely be treating this house fairly if the advisers of the Crown, upon whom the house so confidently relies for carrying out the principles of responsible government, about which so much has been said, refuse to make some slight concessions

to the wishes of the house in return for the confidence which the house so readily reposes in them.<sup>54</sup>

**Mr. Price** said, he could see nothing unreasonable in limiting the duration of the bill. There might be a difficulty in repealing the law if found to be bad, because it would not only be necessary to convince that house of the propriety of repealing it but also the other two branches of the Legislature. (Hear, hear.)<sup>55</sup>

**Hon. Mr. Harrison** said, it does appear to me that it is exceedingly desirable the committee should look upon the question in a more extended view than as merely legislating for the Province of Canada. The effect it would have at home should be considered. This colony is expecting to receive considerable advantages from the Mother country, and those advantages mainly depend upon the enactments which may be provided by the wisdom of the United Legislature. It had been the practice he was aware to pass temporary enactments and perhaps for colonial purposes there could be no great objection to that course, but in a measure of this kind it would have a mischievous effect.<sup>56</sup>

**Mr. Merritt.** — Does the hon. gentleman suppose that capitalists in England will look to the board of works, as any security to them in loaning money to this province? no, they will look to the Revenues of the Province. He hoped that in four years time the great improvements in this Province will be completed; that of the St. Lawrence particularly. By that time they would be able to ascertain the operation of the system, and if necessary they could then continue the act.<sup>57</sup>

**Mr. Moffatt** said, he was not surprised at the amendment coming from the quarter it did. It only convinced him that the staunch advocates of responsibility had no confidence in what they professed. (Hear, hear.) If the government be conducted according to the principles professed, what have you to dread? The enactment can be at any time repealed. He would like to see hon. gentlemen consistent; if they find that the principle conceded is not carried out, then they would have some reason to come forward and say some further sacrifice is necessary: but until this is clearly shown, it is not proper to attempt to coerce the government by temporary acts; they had already had enough of temporary legislation; they had seen the inconvenience of it, and he hoped the house would weigh seriously the consequences of such a proceeding.<sup>58</sup>

**Mr. Baldwin** said, as the Ministers were supposed to possess the confidence of the house, of course if they opposed the present amendment it would be rejected.<sup>59</sup>

**Mr. Parke** said he thought it would be a singular mode of coercing the government by stopping the improvements of the country. (Hear, hear.) He did not think it had been rightly considered by hon. gentlemen. If it were desired at any time to stop the operations of the Board of Works, the way to do so would be by refusing to make appropriations. (Hear, hear.)<sup>60</sup>

**Mr. Morin** said it was really difficult to understand from the proceedings and the language of hon. gentlemen whether they considered the advisers of his Excellency as being responsible to the house, or the house responsible to them. (Hear, hear.) They seem to have great faith in responsible government, but no confidence in its continuance. The child is born and christened — it has a name and that is all. (Hear, hear.)<sup>61</sup>

**Mr. Boswell** said the question is, are temporary or permanent laws best under the circumstances? Looking upon the question in this point of view alone he was of opinion that permanent measures were decidedly preferable. There was something odious in the idea of looking upon their own measures with suspicion. The passing of temporary laws was not the legitimate means of holding the power within our hands against the government. The inconvenience falls not on the government but on the people themselves.<sup>62</sup>

The motion was negatived.<sup>63</sup>

Yeas, 25; Nays, 27.<sup>64</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair,



Bill reported amended  
and ordered to be  
engrossed.

And Captain *Steele* reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's Table, and agreed to by the House.

*Ordered* — That the said Bill, as amended, be engrossed.

House goes into Com.  
on civil rights bill.

The Order of the day for the House in Committee on the Bill to secure and confer upon certain Inhabitants of this Province the civil and political rights of natural born *British* subjects, being read,

The House accordingly resolved itself into the said Committee.

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Mr. *Borne* took the chair of the Committee.

Several members having retired,

Mr. Speaker resumed the chair,

And the names of the members present were taken down, as followeth : —

Mr. Speaker,

Mr. *Borne*, Mr. *Boswell*, Mr. *Boutillier*, Mr. *Cameron*, Mr. *Cartwright*, Mr. *Child*, Mr. Solicitor General *Day*, Mr. Attorney General *Draper*, Mr. *Durand*, Mr. *Foster*, the Honourable Mr. *Harrison*, Mr. *Hincks*, Mr. *Parke*, Mr. *Powell*, Mr. *Roblin*, Mr. *Simpson*, Mr. *Sherwood*, and the Honourable Mr. *Viger*.

House adjourns for  
want of quorum.

And at half-past 11 o'clock at night, Mr. Speaker adjourned the House, for want of a quorum.

Footnotes — 27 July 1841.

1. A commentary on this notion is found in : LE CANADIEN, 30 July 1841.

2. The discussion taking place was reported in : EXAMINER, 4 August 1841 ; BRITISH COLONIST, 4 August 1841 ; ST. CATHARINES JOURNAL, 12 August 1841, copying from BRITISH COLONIST, 4 August 1841 ; MONTREAL GAZETTE, 30 July 1841 ; WESTERN HERALD, 11 August 1841, commenting upon it ; LE CANADIEN, 30 July 1841, commenting upon it ; LE CANADIEN, 6 August 1841, a translation of the same report as that found in KINGSTON CHRONICLE, 31 July, 4 August 1841 ; KINGSTON CHRONICLE, 31 July, 4 August 1841.

3. BRITISH COLONIST, 4 August 1841.

4. IBID.

5. IBID.

6. IBID.

7. IBID.

8. IBID.

9. IBID.

10. IBID.

11. IBID.

12. IBID.

13. IBID.

14. IBID.

15. IBID.

16. IBID.

17. IBID.

18. IBID.

19. IBID.

20. IBID.

21. IBID.

22. IBID.

23. IBID.

24. IBID.

25. IBID.

26. IBID.

27. IBID.

28. KINGSTON CHRONICLE, 31 July 1841.

29. IBID.

30. IBID.

31. IBID.

32. IBID.

33. IBID.

34. IBID.

35. IBID.

36. IBID.

37. IBID.

38. KINGSTON CHRONICLE, 4 August 1841.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
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58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. BRITISH COLONIST, 4 August 1841.

## Wednesday, 28 July 1841.

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*Petitions brought up.*

John Reid, and  
Robt. Shepherd.  
James George,  
Moderator of  
Presbyterian Synod.  
Joseph L. Dowsley,  
and others.  
Robt. F. Gourlay.  
Rev. Andw. Balfour.

Charles Bockus, Esq.,  
and others.

*Petitions read.*

Of Duncan Patton,  
and others.

Of Anna Lang,  
and others.

Of H. Robinson.

Of A. Murphy,  
and others.

Of John Cook, Esq.

Petition of Ichabod  
Wing referred to  
Sel. Committee.

The following Petitions were severally brought up, and laid on the table :

By Mr. Morris — the Petition of *John Reid*, and *Robert Shepherd*, of *Brockville* — the Petition of *James George*, Moderator of the Synod of the *Presbyterian Church of Canada*, in behalf of the said Church — and the Petition of *Joseph L. Dowsley*, and others, inhabitants of the township of *Escott*.

By Mr. Merritt — the Petition of *Robert F. Gourlay*, of *Kingston*.  
By Mr. McLean — the Petition of the Reverend *Andrew Balfour*, of the township of *Waterloo*, county of *Shefford*.

By Mr. Roblin — the Petition of *Charles Bockus*, Esq., and others, Freeholders and inhabitants of the township of *Hallowell*.

Pursuant to the order of the day, the following Petitions were read : —

Of *Duncan Patton*, and others, cullers of timber, of *Quebec*, taking notice of the bill for the Inspection of Lumber, and suggesting certain alterations.

Of *Anna Lang*, wife of *Benjamin Lang*, and others, Heirs of the late *Jacob Herschy*, of the State of *Pennsylvania*, praying that a law be passed to authorise the Reverend *Benjamin Eby*, of the township of *Waterloo*, District of *Wellington*, Province of *Canada*, to make all necessary deeds of conveyance, and other instruments in writing, relating to the estate of the said *Jacob Herschy*.

Of *H. Robinson*, and others, of the county of *Shefford*, praying to be united with the counties of *Stanstead* and *Sherbrooke*, in the Mutual Fire Insurance Company, established in the said Counties.

Of *A. Murphy* and others, of the Township of *Frampton*, praying for a protecting duty on *American* produce.

Of *John Cook*, Esquire, and others, Lutherans, of *Williamsburg* and *Osnabruck*, praying that an Act of naturalization may be passed in favor of the Reverend *William Shartz*.

*Resolved* — That the Petition of *Ichabod Wing*, of *Chautauque*, in the State of *New York*, presented to the House on the 16th of *June* last, be referred to a Committee of five members, to examine the con-

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tents thereof, and to report thereon with all convenient speed, by Bill or otherwise ; with power to send for persons, papers and records.

*Committee formed.*

*Ordered* — That Mr. Morris, Mr. Merritt, Mr. Yule, Mr. Henry Smith, and Mr. Baldwin, do compose the said Committee.

Petition of John  
McDonald, and  
others, referred.

*Resolved* — That the Petition of *John McDonald*, and others, Inhabitants of the Townships of *Leeds* and *Landsdown*, presented to the House on the 5th instant, be referred to a Committee of five members, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise ; with power to send for persons, papers, and records.

*Committee formed.*

*Ordered* — That Mr. Morris, Mr. Sherwood, Mr. McLean, Mr. Boswell, and Mr. Johnston, do compose the said Committee.



Petition of divers inhabitants of the county of Leeds referred.

Extract of despatch from Lord John Russell, presented to the House.

Extract of despatch on subject of Christopher Leggo.

House to go into Com. of whole to-morrow, on disposal of public lands.

Order of day for Com. of whole on Gaspé fishery bill, revived.

Clerk to insert in appendix to Journals of House, for the present Session, returns made, of Births, Marriages and Burials for the years 1838, 1839 and 1840.

House goes into Committee of whole on Civil Rights Bill.

*Ordered*—That the Petition of divers inhabitants of the County of *Leeds*, in the *Johnstown* District, presented to the House on the 22nd of *June* last, be referred to the Special Committee to which was referred the Bill to repeal a certain section of an Act of the Legislature of *Upper Canada*, relative to macadamized roads.

The Honourable *S. B. Harrison*, presented, pursuant to an Address of the House of Assembly, of the 6th instant, an extract of a despatch from *Lord John Russell* to His Excellency the Right Honourable *Charles Poulett Thompson*, dated, *Downing-street*, 1st *July*, 1840, which was read as followeth :—

“Regarding the Address on the subject of *Christopher Leggo*, I have “to state, that it appears that this person’s loss arose, not from the “violence of a foreign enemy, but from the misconduct of persons acting as volunteers for the defence of the Province.

“I have therefore not thought myself at liberty to advise the Queen “to recommend to Parliament that provision should be made at the “expense of the Revenue of this Kingdom, for indemnifying the sufferer.”

On motion of the Honorable Mr. *Harrison*, seconded by Mr. Attorney General *Draper*.

*Resolved*—That this House will, to-morrow, resolve itself into a Committee of the whole House to take into consideration the expediency of repealing the Law of that part of the Province heretofore *Upper Canada*, for the disposal of the public lands of the province, and providing, by a Law applicable to all parts of the Province, for the disposal of public lands therein.

On motion of Mr. *Christie*, seconded by the Honorable Mr. *Viger*,  
*Ordered*—That the Order of the day, for the House in Committee, on the Report of the Special Committee, to which was referred the Bill to regulate the Fisheries in the District of *Gaspé*—and on the said Bill—lost by the adjournment of the House, of *Monday* last, be revived, and that this House will, on *Wednesday* next, resolve itself into the said Committee.

On motion of Mr. *Parent*, seconded by Mr. *Barthe*,  
*Ordered*—That the Clerk of this House do cause to be inserted in the Appendix to the Journals of the House of Assembly, for the present Session, the returns made by the Prothonotaries of the Courts of King’s Bench, of births, marriages and burials, in the different Districts of the late Province of *Lower Canada*, for the years 1838, 1839 and 1840.

The Order of the day for the House in Committee on the Bill to secure and confer upon certain inhabitants of this Province the civil and political rights of natural born *British* subjects, being read,

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The House accordingly resolved itself into the said Committee.

Mr. *Borne* took the Chair of the Committee.<sup>1</sup>

Mr. *Cartwright* called upon the hon. gentleman who brought in the bill (Mr. *Harrison*) to show what authority the house had to pass such a measure. He was aware that a law to that effect existed in *Upper Canada*, but the parliament of *Upper Canada* was no longer in existence, and no provision had been made by the Union Act.<sup>2</sup>

Mr. *Viger* thought the gentleman who had just sat down was in error. The parliament had the power of naturalizing and constituting an alien a *British* subject in the colonies; not so in *England*.<sup>3</sup>

Mr. *Cartwright* alluded to the law which was passed by the Imperial Parliament which enabled the legislature of *Upper Canada* to naturalize aliens, and he contended that they had no right to pass such a measure unless similarly authorized.<sup>4</sup>

**Mr. Quesnel** stated that there were two acts, one for Upper Canada and one for Lower Canada, and by the Union Act those statutes continued in force until repealed or amended.<sup>5</sup>

**Mr. Draper.** — There was another consequence to the objections which had been urged, and this might be found in the Act of Union itself. After referring to persons naturalized by Acts of Parliament of either Upper or Lower Canada, as eligible to public offices, it also includes those who are naturalized by the parliament of Canada.<sup>6</sup>

**Mr. Neilson** stated that he was of opinion that as a small portion of the British empire they had no right to make British subjects in any other than the natural way. (A laugh.)<sup>7</sup>

**Colonel Prince** rose and said he should feel it his duty to propose an amendment which would have the effect of altering the bill in a very material degree. The bill proposes that foreigners who are now residents of this Province should be naturalized. This does not go far enough to meet my views: I am in favor of encouraging the introduction into this country of wealth, enterprize, and industry, from whatever quarter they may come. (Hear, hear.) The bill is certainly a very good measure as far as it goes, but it is not sufficiently comprehensive. We want our country populated: we want foreigners from all nations; there should be no line of distinctions drawn. We want Prussians, Belgians, Hollanders, Swiss and Americans. (Hear, hear.) Yes, Americans, for I am far from imputing to the American nation the crime of their worst citizens, the injuries which we have sustained from a portion of the lowest class of society. (Hear, hear.) I would make no invidious distinction. We talk of sending Emigrant agents to England; we have one there already, a talented and sensible man, but what description of emigrants does he send us? They are of that class which we do not want; they are paupers. (Hear, hear.) We want capitalists, and if they are American capitalists so much the better. In the county which I have the honor to represent there are many American Farmers, and there are no better Farmers, and no better and more loyal subjects. That is the inducement which brings them here. Is it that lands are cheaper; that the soil is richer? I answer in the affirmative. Is it because they prefer the quiet and liberal government under which we live, to the turmoil and excitement (sic) of republican institutions, with their elections recurring month after month? I answer in the affirmative. No American will come to this country unless he prefers our institutions, (hear, hear,) and shall we not be liberal enough to welcome him? We are not precluded from purchasing and holding lands in the U. States, I speak particularly with reference to Michigan, and I would allow them an equal privilege. I would if possible heal the dissensions which have existed so that no trace of their existence should remain.

I shall therefore take the liberty of moving this amendment. Here Colonel Prince read the amendment, which was to the effect that all Foreigners should be allowed the full enjoyment of the privileges of the subjects of this province as far as related to the purchasing, holding, granting, devising or conveying of lands, provided they became actual settlers (sic) upon the lands so purchased.<sup>8</sup>

**Mr. Merritt** understood the bill to have a perspective view without limitation. We had an opportunity of seeing the working of the old system by which Americans were allowed to settle in the country and after a residence of seven years became naturalized. Previous to 1812, there were no restrictions, persons of capital flowed into the Province to take advantage of the natural advantages of the country.<sup>9</sup> When the war of 1812 was declared they were the chief defenders of the country.<sup>10</sup> After that period, from the representation of interested persons, the restrictive policy was adopted, and the consequence was, that instead of settling in the Province, the Western States were selected not only by the Americans but by the European Emigrants — the State of Ohio for instance, then having about 240,000 inhabitants, had now a million, and a half. This was the consequence of the restrictive policy. He trusted that now a liberal measure would be adopted.<sup>11</sup>

**Mr. Cameron** said he had seconded the motion because he was willing to show the hon. gentleman that he had not changed his opinion since 1837. It would be observed that the clause now moved confers upon foreigners no political privileges. It does not make them British subjects; it only gives them the right to hold property. Some of the most valuable settlements in the United States had been acquired in consequence of their liberal policy in this respect, and this Province could not do better than follow the example; not that he considered Americans as making the best subjects of this country. They invariably became the most violent Tories.<sup>12</sup>

Hon. Mr. Harrison had no hesitation in saying that the amendment would be exceedingly inappropriate. The object of the bill was to confer certain privileges; to give not only the right to hold lands, but to give political rights. It becomes, therefore, a matter of serious consideration whether we should extend this prospectively. We know those who are at present within the Province — we know their political character; and it is a serious consideration whether we will allow persons of whom we know nothing to be placed upon an equal footing with them. With regard to holding lands, as the law now stands, they have that right until office found. It would be much better that this amendment should form a separate measure.<sup>13</sup>

Mr. Roblin said he could not agree with the hon. gentleman from Lanark that the Americans make the best Tories. He considered them the worst Tories. When I see a man who has been nurtured and bred a Democrat come into this country and declare himself a Tory, I cannot believe him. With regard to the principle of the bill, he (Mr. Roblin) was in favour of doing something in behalf of those who are now domiciled in the Province, but he thought it wrong that this measure should be encumbered with an amendment of this description.<sup>14</sup>

Mr. Johnston said that although he should feel it his duty to oppose this amendment, he would not allow it to be supposed that he was less liberal than the hon. and learned gentleman from Essex himself, whose bosom is completely overflowing with liberality.<sup>15</sup> He ((Mr. Johnston)) wished to protect the loyal inhabitants of the province, and he would move an amendment to that effect.<sup>16</sup>

Mr. Hincks said he was opposed to the amendment, although he had no objection to the principle contained in it if brought in as a separate measure; but attached to this bill it might endanger its success. He (Mr. Hincks) thought the country was very much indebted to the government for bringing in a measure of this kind. He hoped the amendment would be withdrawn.<sup>17</sup>

Col. Prince said, from the turn which the debate had taken he felt quite assured that the amendment, not as an amendment but as a separate bill, would be an extremely acceptable measure. And although he consented to withdraw it with great reluctance, yet lest it might endanger the passage of this very excellent bill he would do so.<sup>18</sup>

Capt. Steele said he was happy to find that the gallant colonel was willing to withdraw the amendment. He (Capt. Steele) would give the bill his cordial support, and he would also support the bill of the hon. and gallant Colonel founded upon the amendment whenever it was brought forward. — (Hear, hear.) He was satisfied that all must agree in the propriety of giving to the industrious class of settlers the advantages and privileges of British subjects.<sup>19</sup>

Mr. Neilson said that all foreigners could come into the country and after a residence of seven years, be entitled to the privileges of British subjects. Hon. members would really make us believe that the government of Great Britain was worse than that of Turkey, that it would not allow any foreigners to enter the Province with security to their lives. In fact, in his opinion, the British Government had been culpably liberal with respect to foreigners.<sup>20</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair,

Bill reported  
amended.

And Mr. Borne reported, that the Committee had gone through the Bill, and made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

Mr. Speaker having put the question,

"Is it the pleasure of the House to receive the report of the Committee"?

The House divided on the question, and the names being called for, they were taken down, as followeth: —



## YEAS.

<i>Berthelot,</i>	<i>Draper, Hon. W.H. Parent,</i>	<i>Steele,</i>
<i>Borne,</i>	<i>Durand,</i>	<i>Taché,</i>
<i>Boswell,</i>	<i>Foster,</i>	<i>Thompson,</i>
<i>Boutillier,</i>	<i>Harrison, Hon. S.B. Prince,</i>	<i>Thorburn,</i>
<i>Buchanan,</i>	<i>Hincks,</i>	<i>Turcotte,</i>
<i>Cameron,</i>	<i>Holmes,</i>	<i>Viger, Hon. D.B.</i>
<i>Chesley,</i>	<i>Merritt,</i>	<i>Watts,</i>
<i>Cook,</i>	<i>Morin,</i>	<i>Williams,</i>
<i>Delisle,</i>	<i>Morris,</i>	<i>Woods,</i>
<i>Derbshire,</i>	<i>Neilson,</i>	<i>Yule. — 40.</i>

## NOES.

*Cartwright, Johnston, McDonald, (Glen.) McLean. — 4.*

The Report received the Amendments agreed to, and the Bill ordered to be engrossed.

So it was carried in the affirmative, and —

The report was received, and the amendments were again read at the Clerk's table, and agreed to by the House.

*Ordered* — That the said Bill, as amended, be engrossed, and read for the third time, to-morrow.

Select Committee on Petitions against the Election of Henry Smith, Esq. for the County of Frontenac present their final Report.

Mr. *Morin*, chairman of the Select Committee, appointed in accordance with the Statute, for taking into consideration the petitions of *James Mathewson*, of the Township of *Pittsburg*, and of divers inhabitants of the County of *Frontenac*, complaining of the undue election and return of *Henry Smith*, Esquire, as a member to represent the County of *Frontenac*, in this present *Parliament*, presented to the House the final report of the said Committee, which was again read at the Clerk's table, as followeth :

Final Report of Select Committee on the contested Election for the County of Frontenac.

The Committee of your Honorable House, appointed to try the contested election for the County of *Frontenac*, have the honour to report the following resolutions : —

*Resolved* — That no evidence has been adduced against the Returning Officer, in support of the charges contained in the petition.

*Resolved* — That the Sitting Member is not disqualified to sit or vote in the Legislative Assembly, in consequence of any thing proved to have transpired during said election.

*Resolved* — That it does not appear to this Committee, that the Sitting Member has, by himself or his authorized agents, been guilty of bribery.

*Resolved* — That the petition of *James Mathewson* is not frivolous or vexatious.

*Resolved* — That the petition of *Matthew Rourke*, and others, was withdrawn by the Counsel for the petitioners before entering into evidence upon the same.

*Resolved* — That the said petition is frivolous and vexatious.

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*Resolved* — That the defence of the Sitting Member is not frivolous or vexatious.

All which is respectfully submitted.

A. N. MORIN,  
Chairman.

Committee Room, }  
Legislative Assembly, }  
28th July, 1841.

House goes into Committee on Ordinance, on Montreal Roads.

The Order of the day for the House in Committee, to consider the expediency of amending the Ordinance of the Special Council, providing for the improvement of the roads in the vicinity of *Montreal*, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Taché* took the chair of the Committee, and after some time spent therein,

Committee reports Resolutions.	Mr. Speaker resumed the chair, And Mr. <i>Taché</i> reported, that the Committee had come to a resolution, which resolution was again read at the Clerk's table and agreed to by the House, and is as followeth : —
Expedient to amend Ordinance.	<i>Resolved</i> — That it is expedient to amend the Ordinance of the 3d VICTORIA, Cap. 31, to provide for turnpike roads in or near the City of <i>Montreal</i> .
Bill to amend Ordinance relating to Montreal Roads brought in and read.	<i>Ordered</i> — That Mr. <i>Holmes</i> have leave to bring in a Bill to amend the Ordinance of the 3d VICTORIA, Cap. 31, for the improvement of the roads in the neighbourhood of, and leading to the City of <i>Montreal</i> . He accordingly presented the said Bill to the House, and the same was received and read for the first time.
Second reading Friday 6 August.	<i>Ordered</i> — That the said Bill be read a second time on <i>Friday</i> , the 6th of <i>August</i> next.
House goes into Committee of whole on Imports.	The Order of the day for the House in Committee to consider the expediency of enquiring into the several laws levying duties on the imports into this Province, and to consider the propriety of amending and consolidating the same, being read, The House accordingly resolved itself into the said Committee. Mr. <i>Parke</i> took the chair of the Committee, and after some time spent therein, Mr. Speaker resumed the chair.
Resolution reported.	And Mr. <i>Parke</i> reported, that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth : —
Resolution.	<i>Resolved</i> — That the duty of two and a half per cent, now by law levied upon the importation of copies of the Holy Scriptures into this Province, by navigation from Sea, under and by virtue of the Act 53, GEO. III, Cap. ii., Section 1, ought to be repealed.
Bill brought in to exempt from duty the Holy Scriptures im- ported into this Pro- vince, read first time.	<i>Ordered</i> — That Mr. <i>Holmes</i> have leave to bring in a Bill to exempt from duty all copies of the Holy Scriptures imported into this Province by navigation from sea. He accordingly presented the said Bill to the House, and the same was received and read for the first time.
Second reading 6 August.	<i>Ordered</i> — That the said Bill be read a second time on <i>Friday</i> , the 6th day of <i>August</i> next.
House goes into Committee of whole on Feudal Tenure.	The Order of the day for the House in Committee to take into consideration the laws of that part of the Province heretofore known (246) as <i>Lower Canada</i> , touching the tenure of lands, and commonly known as "Feudal Tenure," and to consider the expediency of altering and amending the same, and the best and most equitable mode of effecting the alterations that may be deemed necessary, being read, The House accordingly resolved itself into the said Committee. Mr. <i>Woods</i> took the chair of the Committee, <sup>21</sup>
Mr. <i>Dunscomb</i> said that in submitting the (( )) Resolution to the Committee, that of the ((many)) subjects that agitated the public mind in that ((part)) of the Province heretofore called Lower Canada, there was none, not one, of more importance than that for which he now claimed the consideration of the Committee. It was of the first importance — important, as affecting the value of every ((man's)) property and welfare in the country — as affecting the prosperity and advancement of the country — and as affecting the very construction of society. (Hear, hear.) The origin of the Feudal Tenure was under circumstances, and under necessities ((which)) no longer existed ; a junction, in the barbarian ages of the poor and the rich, the weak and the strong — for their mutual protection — those circumstances, those necessities no longer existed ; and there was no longer any occasion	

for this species of Tenure. The Government that we had the blessing to live under, protected all her subjects alike, whether serf, Censitaire or Seigneur, (hear, hear,) and so ((very)) true was this, that the object of this species of ((tenure)) was now totally lost sight of. — Instead of the ((Seigneurs)) living on their Seigniories, and in accordance with the philosophy and spirit of the seigniorial system, extending paternal protection and acts of ((goodness)) to the Censitaires, in return for the numerous fines, rights and substantial privileges exacted ((by him)) from the Censitaire — in many instances the Seigneur had never seen his seignior (Hear.) In ((the)) County which he (Mr. Dunscombe) had the honour to represent, what was the state of things there? ((Why)) the Censitaires positively did not know who the Seigneur was! (Hear, hear, hear.) They ((were)) ignorant who was this Seigneur, who took their ((dues?)) — exacted everything ((sic)) to the last penny. (Hear.) ((They)) knew not to whom they should address themselves for relief, if required for protection, in return ((for)) those exactions. It was notorious that the Seigneur of Beauharnois had by means of a lottery, or ((some)) such modern invention passed into the hands ((of a)) speculative body of Englishmen — enterprising ((men)) was ((sic)) willing to grant, and men who would ((advance)) the interest and prosperity of the country — but not men who could sympathize with their Censitaires; they had but one object in view in purchasing this Seignior, and that was a palpable and ((particular)) object — to realize all the money out of it that ((could)) by possibility be made out of it. (Hear, hear, hear.) They valued not certain privileges in the ((system)), providing for the honor of the Seigneur — no, ((they)) required money — profit — and they were determined to obtain it. (Hear.) In this way, a system framed for the protection of the people had become burthensome — had become oppressive — had become hateful to the people and repugnant to English and French feelings. (Cheers.) He (Mr. D.) ((addressed)) himself to the Committee in hope of obtaining their concurrence to measures that might be ((productive)) of relief, and to the promotion of the welfare and prosperity of the Province. (Hear, hear.) ((He)) did not wish any hasty legislation on this important subject. — He did not advocate any measures of spoliation, nor did the people of Lower Canada advocate such measures — it was a foul libel ((on)) honest yeomanry to say so; — they desired a ((change)), but one on fair and equitable principles, ((on)) such terms as this House might think ((proper)) and just to all parties; — and surely this House ((would)) never deny them so reasonable a prayer? The people wanted something better adapted to the ((present)) circumstances of the country, and in unison ((with)) English laws; and to be released from a system detrimental to their prosperity, and an incubus on their industry, and to their advancement in Society. Mr. Dunscombe then read the following Resolutions and moved their adoption...<sup>22</sup>

**M. Neilson** dit qu'il ne pouvait s'empêcher d'exprimer ses doutes, si la chambre était compétente à décider sur une semblable question qui affectait si essentiellement les droits de propriété d'une grande partie de la province. Il est vrai, dit M. Neilson, que nous avons par devers nous des pétitions se plaignant de cette tenure; pour ma part, j'admets qu'il existe des abus dans ce système. Cependant les résolutions proposées me paraissent contenir une contradiction. On ne peut assurément dire que les abus originent de cette tenure, lorsque nous voyons qu'il est au pouvoir de chaque individu d'obtenir des terres. Les droits exigés pour ces terres sont bien moindres que leur valeur. Cette chambre composée comme elle l'est, n'étant pas familière avec le système de tenure du Bas-Canada devrait hésiter avant d'adopter aucune conclusion qui puisse l'affecter en quelque manière que ce soit; ne publions pas à la face de l'univers qu'il existe des abus dont nous ne connaissons rien. Les droits acquis des individus doivent être considérés comme il convient: c'est une chose bien dangereuse que d'intervenir dans ces droits lorsqu'il n'y a aucun tribunal qui puisse facilement décider de cette intervention. Certainement si les habitants de toute la province sont mécontents de cette tenure, c'est pour nous un sujet bien digne de nos investigations; mais on ne doit pas oublier que les plaintes contre ce système doivent être reçues avec beaucoup de précaution et de défiance. Toutes les fois qu'un certain nombre d'individus se plaignent de lois dûment établies, ces plaintes ne doivent être admises qu'avec une bien grande prudence. Si on peut établir que ces plaintes sont bien fondées, personne n'est plus que moi disposé à leur donner toute l'attention possible; mais vraiment, je pense que pour le moment, cette chambre ne doit point agiter une question de cette nature.<sup>23</sup>

**Mr. Viger.** Les hbles Messieurs ont parlé de tenure féodale; mais je leur demanderai de vouloir m'expliquer quelle analogie existent ((sic)) entre la tenure féodale et la tenure en usage dans le Bas-Canada? Le fait est qu'il n'existe rien de semblable à la tenure féodale dans cette partie de la province. Je sais que des usurpations ont été faites sur les



droits des censitaires; mais si la loi était strictement suivie, il n'existerait aucune autre espèce de tenure plus favorable à la classe commune. Dire que cette tenure est oppressive, c'est dire quelque chose plus qu'absurde, c'est injuste. Il y a une chose oppressive: et ce n'est pas la loi des tenures, mais la décision des cours de justice au sujet de cette loi. Je n'hésite pas à dire que les décisions données par les Cours de justice sont contraires à la loi. Je ne désire pas entrer dans une longue discussion à cet égard; mais je remarquerai seulement qu'aujourd'hui dans le Bas-Canada, un cultivateur paie un sol par année pour une étendue de terre qui, en Angleterre coûterait un livre sterling. Le sujet de plainte est le droit de lods et ventes; mais on doit se rappeler, que tant qu'une terre demeure en la possession du même propriétaire, ce droit n'est pas exigible. Si elle est léguée par testament, elle est exempte de ce droit. Il y a des terres dans l'île de Montréal qui depuis 150 ans n'ont jamais payées (sic) ce droit de lods et ventes; et qui depuis la même époque, ne paient que sept chelins et demi par année. On parle d'abus! si ces abus existent, qu'on nomme un comité chargé de s'en enquérir, et j'y concourrai volontiers. Il n'est pas prouvé qu'il existe des abus dans tous les cas. Les rentes que paient les cultivateurs anglais, écossais et irlandais sont exorbitantes (sic) au plus haut degré, comparées avec celles demandées par les seigneurs du Bas-Canada. Je connais un Monsieur qui perçoit une rente de £15,000, pour un circuit de terre qui en Canada ne coûterait que £300 à £400. Est-il possible de dire qu'un semblable système est oppressif? Il n'y a pas de pays mieux peuplé ou mieux cultivé: regardez le district de Québec, qu'un de vos célèbres écrivains déclare être égal à aucune partie de l'Angleterre. Chaque homme, de fait est propriétaire du sol et ne paie que quatre ou cinq livres de 20 sols par année. Peut-on appeler cela un système d'oppression? Nous voyons d'autres propriétaires retirer de leurs terres autant de guinées que nous percevons de sols; ils vivent dans un luxe qui rivalise celui des princes, tandis que le cultivateur est couché sur la terre nue. Quelqu'un ignore-t-il les horribles misères qu'endurent les pauvres irlandais? Et est-ce le système suivi dans ce malheureux pays, que les hbles messieurs désirent introduire dans le nôtre? j'espère que non. Je pourrais m'étendre sur cette partie de mon sujet, et fournir (sic) des faits incontestables pour prouver que si notre système n'est pas supérieur aux autres, il est au moins des grands désavantages que les hbles. messieurs veulent bien lui accorder. Il est vrai, nous payons des redevances, mais elles sont minimales: il est vrai, nous payons des lods et ventes, et ce serait une absurdité que de dire que nous voulons bien les payer; personne ne désire voir sur sa propriété une redevance de quelque nature que ce soit: mais d'un autre côté, nous devons nous rappeler que quelque considération est due aux droits du censitaire; nous devons nous rappeler que si nous détruisons le château la chaumière sera bientôt détruite. La propriété étant la base (sic) sur laquelle la société est fondée, si nous ne protégeons les droits des riches, nous verrons bientôt les liens de la société s'affaiblir, et les droits, les privilèges et les libertés des pauvres se trouver sans garantie. Je suis persuadé que l'hble membre a exprimé ses sentiments, lorsqu'il a déclaré qu'il ne désirait faire d'injustice à personne; mais il devait prendre garde que son zèle ne lui cache les maux qui pourraient surgir d'une intervention subite et imprudente dans des droits depuis longtemps établis. Qu'on fasse une investigation, mais qu'on ne propose pas abruptement un acte de législation qui sans aucun doute ne produirait que des maux. Les hbles. messieurs, peuvent tant qu'il (sic) voudront parler de l'iniquité du système; j'ai moi-même été l'ennemi de ce système, mais l'expérience et mes observations m'ont convaincu que j'étais dans l'erreur; et je n'ai pas honte de l'avouer.<sup>21</sup>

Mr. Holmes said that he had listened to the hon. learned, and venerable member for Richelieu, with all the attention, and all the respect due to the eloquence and the experience of that hon. gentleman — but certainly had he (Mr. H.) no other evidence upon which to rely as argument against the Feudal Tenure, than what had been uttered in its defence by the venerable member, he (Mr. Holmes) would be quite content to leave it — even upon the hon. member's own showing — to the decision of that hon. House with a confident reliance — that its condemnation would be almost unanimous. The hon. and learned member in his endeavour to sustain that odious tenure, what had been some of his arguments! — He had endeavored to shew that in Europe — nay, even in England, the Feudal Tenure existed, and in a more detestable shape, but even admitting this, which he (Mr. Holmes) denied, was it a sufficient reason why we should maintain and cherish Laws and Institutions in Canada, which were found to be injurious to the public weal in England, and which in Hungary protected the pampered aristocrat to the detriment of the middle classes, while it crushed the energies of the industrious poor? — (hear.) By the hon. member's own admissions, the system has been divested in Lower Canada of all the

attributes which recommended it in former times, the motives for its continuance no longer existed, the country was populated, but instead of the Seigneurs dispensing a paternal guardianship over their censitaires, and carrying out of the beneficent intentions of the Crown, in originally creating the Seigniories, there was now a system of extortion practised from one end of the land to the other, and when the unfortunate peasant sought redress from the Courts of Law, the hon. and venble. member himself, has said, he got no redress, because says the hon. member, the verdict of the Courts of Law is based on error! "The decisions were contrary to Law." Why was this? He (Mr. Holmes) would tell him why — the Judges were themselves Seigneurs, and loudly complained of as bad and exacting Seigneurs too, — (order, order, & hear, hear,) — justice was not to be expected under such circumstances. (Hear.) It has been said the majority of the Seigneurs were not French Canadians, admitted, but he (Mr. Holmes) had never insinuated that the French Canadian was a worse Seigneur than the Englishman, or the Scotchman, the English and Scotch bought their Seigniories on speculation, and like other speculators they would make all they could out of their investments, their object was to make money, and make it they would if the system was not changed, and that too to the detriment of the Country at large, however beneficial to individuals, and injurious to the poor habitant. The hon. member from Quebec had eulogised the system, that hon. member eulogises every thing complained of in Lower Canada by the British population, and condemns every thing they desire to see established, he would stand still, stay all improvements as dangerous innovations, if his advice be followed on this and other subjects, the British population of Lower Canada, will have but little to attach them to the Country of their adoption, and those of the same origin in this section of the Province, will look in vain for that community of feeling which should exist between the two sections of the Province. (Hear.) The hon. members from Upper Canada did not understand, they did not feel the burdens of the *Feudal Tenure*, and notwithstanding what had been said by the ven. member from Richelieu, and the hon. member from Quebec, he (Mr. Holmes) would fearlessly assert, that so far was it from a fact, that the French Canadians were satisfied with that antiquated system, that from the Bay of Chaleurs to Coteau du Lac, the Feudal system was condemned, nay execrated, — (hear, hear, hear,) — but even admitting for the sake of argument that in the Country, and for a rural population this tenure might be admissible, what was its effect in Villages, Towns and Cities! — (Cheers.) What was its effect on commerce! It was a bar to improvement, a tax upon industry, a direct tax — (hear, hear.)<sup>25</sup>

Mr. Neilson said no, not a tax, a droit.<sup>26</sup>

((Mr. Holmes :)) The hon. member says it is not a tax, he (Mr. Holmes) did not understand the difference attempted to be drawn by the hon. member, but he persisted in saying it was a tax, a most enormous, burdensome, and unjustifiable tax too. What was it? An emigrant, or a merchant, or any other person, bought a vacant lot of land for, perhaps, £100, or £500, no matter, on the purchase money was paid 8 per cent, — he improved the property, erected buildings, a palace if you will, expended thousands upon it — a circumstance induced a change, a desire to sell, misfortunes compelled the improver to part with his property, — it is sold, the Seigneur comes in and lays his hand upon the twelfth part of the product, thus taxing industry, and this beautiful and boasted right of the Seigneur is repeated at each transfer, (hear, hear,) each sale of the property. — In some instances the claims upon the property swallowed up the whole product, — and were hon. members to be told that this was a good, a paternal system (Hear, hear). The Droits de Banalette (sic) too — another beauty of the system — what would farmers in this section of the Province say if they, like the serfs of Lower Canada, were obliged to carry their corn to be ground at the seigniorial mill, no matter how distant nor how miserable or bad that mill might be? Then he would not be permitted to erect a mill upon his own lands, even had he the most splendid water privileges at his door; oh no, those are the seigniorial rights; and what does the Seigneur give to the Censitaire in return? The privilege of eating black bread, for the mills of the Seigniories, with three or four exceptions, are unfit to grind provender for cattle (Hear, hear, hear). — The hon. member for Richelieu has contrasted the Canadian habitant with the peasantry of Ireland, — that gentleman is fond of drawing comparisons of this kind. He (Mr. Holmes) admitted that so far as comfort went the habitant had greatly the advantage, and he deeply felt for and regretted the misery to which the people of his native land were subjected, but these misfortunes were not to be attributed to the difference of tenure, but to injustice and bad government, to mismanagement, the lording it over the many by the few (Hear, hear.) Let us take example, however, and avoid what is bad in Ireland, and not maintain a system quite as bad, if not worse, in Canada. Those who



complain, and seek this change, have no desire, no wish to infringe upon the rights, or touch the properties of their fellow subjects without making adequate provision for remuneration. They seek for the change because their demand is just, and they must have it, if not granted upon equitable and fair conditions it will lean to violence, and thus those who are now unwilling to relinquish anything will lose all (hear).<sup>27</sup>

**M. Neilson**, dit qu'il ne convenait pas d'attribuer de mauvais motifs à ceux qui administrent la justice.<sup>28</sup>

**M. Quesnel** observa que la même imputation pourrait être faite aux censitaires s'ils étaient Juges. Peu importerait que les juges fussent seigneurs; ils étaient tenus à rendre justice avec impartialité.<sup>29</sup>

**Mr. Holmes** (continuant) il n'était pas partisan d'aucune mesure qui aurait pour effet d'attaquer les droits de quelque personne. Mais il était convaincu qu'il existait des griefs très graves auxquels il désirait voir remédier. Il admettait avec le savant monsieur que les propriétaires d'origine anglaise étaient plus disposés que les autres à mettre des impositions sur leurs censitaires; ils n'achetaient ordinairement que pour spéculer. Il admettait aussi avec son hble. et vénérable ami du comté de Richelieu que le contraste entre les paysans irlandais et les censitaires du Bas-Canada, était en faveur de ces derniers. Ils sont plus riches, plus contents, plus heureux; mais parce que les paysans irlandais sont dans une misérable condition, il ne s'en suit pas que nous ne devons pas améliorer la nôtre. Tout ce qu'on demandait était une commutation juste et raisonnable.<sup>30</sup>

**M. Armstrong**, comme *seconneur* de la motion dit, qu'il était extrêmement peiné de différer d'opinion avec son honorable, savant et vénérable ami du comté de Richelieu. Il ne discuterait pas la question de nom sous lequel le système des tenures est désigné dans les résolutions, le nom n'y faisant rien; il ne discuterait pas non plus la beauté de la théorie du système féodal, mais il se bornerait à examiner les effets pratiques de ce système dans le Bas-Canada. L'hble. membre (M. Viger) a admis qu'il y avait des abus infâmes; que depuis quarante ans il a été témoin de ces abus, qu'il s'était en vain efforcé de s'opposer à ce torrent. Si l'hble. membre insiste avec tant de force sur un système qu'il appelle abominable, un système produisant d'aussi mauvais effets, peut-il être bien bon? une telle masse de corruption peut-elle être produite par un bon système. A son avis, il ne le pensait pas. Mais pourquoi s'opposer à une investigation? pourquoi ne pas s'en occuper de suite? Après cela si ce système est mauvais, nonobstant (sic) toute sa beauté théorique, il sera aboli. Quant à l'avancé de mon hble. ami que le seigneur n'a pas droit à la *banalité*, c'était la première fois qu'il l'entendait dire et c'était pour la première fois que ce droit était mis en question et devant cette chambre. Peut-on croire que si c'était le cas dans la pratique l'on ne verrait qu'un moulin où douze pourraient être bâtis? Le censitaire parcourrait-il 15 à 20 milles pour faire changer de son bled en farine noire? Il pourrait nommer vingt ruisseaux se déchargeant dans le St. Laurent sur lesquels ne se trouvait qu'un seul moulin, lorsqu'on pourrait en bâtir des centaines. Mais quelque chose de plus encore. Par le renouvellement des terriers, il est stipulé dans les titres-nouveaux que le censitaire n'aura pas le droit de construire aucun moulin à vent ou d'autre description. En réponse à l'hble. membre du comté de Québec qui a dit que le pays ne demandait pas une réforme dans la tenure, il dirait que c'était son opposition (sic) déclarée (de lui M. Armstrong) contre le système actuel, qui avait engagé ses contituants (sic) à le choisir pour représentant. On parle d'un sou par arpent; mais cela est ridicule. Depuis longtemps (sic) ce sol par arpent n'existe plus. Quoi de plus vexant pour un censitaire que devoir (sic) le seigneur couper du bois sur sa terre, du bois qu'il réservait pour son propre usage. Bien plus, par les derniers titres-nouveaux, les seigneurs se sont réservés le droit de couper des piquets pour leur usage sur les terres de leurs censitaires. Je pourrais, M. le président entretenir cette chambre la nuit entière, si je voulais entrer dans les détails des abus de cette abominable tyrannie qui pèse sur le Bas-Canada; mais comme ce sera la matière d'une investigation, j'observerai en finissant que si nous sommes gouvernés par les *vœux bien entendus du peuple*, cette investigation doit être stricte et sévère; et je déclare hardiment devant cette chambre que je soumettrais la question des teneurs aux constituants de la province depuis le lac des Deux-Montagnes jusqu'à celui de Kamouraska, sans craindre nullement le résultat d'un semblable examen.<sup>31</sup>

**Mr. Johnston** dit que l'hble. et vénérable membre du comté de Richelieu était toujours opposé à toutes les mesures propres à produire quelque bien (Ordre, ordre). Il n'a introduit aucune mesure bénéficiaire au pays (Ordre). Je ne me tirai point. Chaque fois que l'hble.



monsieur a une mauvaise cause à soutenir il fait toujours allusion à l'état de l'Irlande (Rire.) Je lui serai très obligé s'il ne veut plus à l'avenir faire de semblables allusions. Le plus pauvre paysan en Irlande, est cent fois plus heureux que ne l'est le censitaire canadien sous la tenure seigneuriale (Eclats de rire). L'opposition de l'hble monsieur à (sic) quelque chose de factieux ; c'est une opposition sans motif. Si la tenure seigneuriale était abolie, mais le pays prospérerait ; à présent il est impossible d'engager les émigrés à s'établir dans le Bas-Canada. Le Bas-Canada n'a jamais rien fait pour encourager l'émigration : Les lois du Bas-Canada ne contiennent rien autre chose à ce sujet, si ce n'est l'imposition d'une taxe sur le pauvre émigré.<sup>32</sup>

**Mr. Viger** l'hble membre est très heureux dans le choix de ses exemples, et il jette beaucoup de lumière sur tous les sujets, particulièrement quand il parle de l'Irlande.<sup>33</sup>

**Mr. Turcotte** (En français) dit qu'il regrettait pour rendre justice à une question aussi importante, d'être obligé de s'exprimer dans une langue qui n'était point comprise par tous les membres du comité. Cette question était pour le pays d'une importance vitale. On avait l'intention d'altérer, peut être même de détruire un système que plusieurs hbles membres paraissaient disposés à défendre comme bon, par la raison qu'il était en usage depuis longues années. Il n'hésitait pas un instant à décider qu'il considérait ce système comme injuste, inique, disgracieux pour un peuple civilisé du 19<sup>e</sup> siècle, et il ne fallait pas le souffrir plus longtemps. Il regrettait beaucoup de différer d'opinion avec son hble. et vénérable ami du comté de Richelieu. Cet hble. membre avait admis qu'un grand nombre d'abus existait dans la pratique de ce système, mais il (Mr. Turcotte) était préparé à montrer que ce système en lui même était injuste et intolérable. Il désirait être bien compris : il n'entendait pas détruire ce système d'un seul coup. Une telle démarche serait extrêmement dangereuse (sic) et demande beaucoup de sagesse et de prudence ; mais on devait prendre ds (sic) mesures pour changer ce système (sic). Il y avait une grande différence entre la *tenure féodale* proprement dite, et notre tenure. Les Seigneurs du Bas-Canada n'étaient pas *Seigneurs féodaux* mais seulement *Seigneurs censiers*. Il désirait donc que les mots de *tenure seigneuriale* fussent substitués dans les résolutions à ceux de *tenure féodale* qui comporte avec elle l'idée d'un honteux esclavage. Puis que l'on admettait les abus pratiques de ce système, il était inutile de s'en occuper plus longtemps. Il attaquerait donc le système lui-même. Quels étaient les principaux droits des seigneurs ? ce sont ceux de *lods et ventes de Banalité, et de Retrait*. Il avait entendu avec surprise, l'hble membre du comté de Richelieu dire que les *lods et ventes* n'étaient pas une taxe imposée sur le vendeur. L'hble membre ne voit-il pas que dans la stipulation du prix de vente, l'acheteur considère qu'il aura à payer en sus au seigneur un huitième et un tiers, qu'il payerait au vendeur, si ce droit de *lods et ventes* n'existait pas. Le vendeur fera donc ce qui est payé au seigneur ; car ce droit de lods et ventes fait que l'acquéreur achète pour un moindre prix. Est-il juste, qu'un homme qui prend possession d'une terre non défrichée qui n'est comparativement d'aucune valeur, qui par ses travaux en élève la valeur, à £500, s'il est ensuite forcé de la vendre, soit obligé de laisser au seigneur un douzième de la valeur de cette terre. Ceci est plus vivement senti dans les grandes villes, où un individu bâtissant une maison sur un morceau de terre ne valant que 50 schellings sera forcé de laisser au seigneur un douzième de cette maison, par ce qu'elle est construite sur un morceau de terre sujet au droit insignifiant de *lods et ventes*. Cette partie du système était injuste et absurde. Le droit de retrait était également injuste et encore moins supportable. La vérité, la seule idée qu'un homme ait le droit de dire à un autre dans un tems fixé : vous avez fait là un marché très avantageux : je veux en profiter ; voilà votre argent et cette propriété est à moi ; ou bien payez-moi telle somme pour que je n'use pas de mon droit ; cette idée ne pouvait être considérée sans indignation par tout homme capable d'apprécier ses droits sociaux. Le droit de banalité était encore pire. On pouvait le définir, un droit par lequel le seigneur "peut obliger ses censitaires à manger du pain noir," par ce qu'il a le droit de les obliger à faire moudre leurs grains au moulin seigneurial et de retenir un quatorzième de tout ce qui est moulu. Ce droit est une gêne (sic) imposée, sur le commerce de bois et les manufactures. Il regrettait qu'à sa connaissance un seigneur (et ce seigneur était notre Dame la Reine) avait dernièrement fait condamner divers individus à détruire les moulins par eux établis sur une petite rivière dans la seigneurie de Batiscan. Sont-ce-là les conséquences d'un bon système ? En vain l'hble. membre du comté de Richelieu met-il en question l'existence des droits de *Banalité et de Retrait* ; ils existent non pas tels que les cours de justice l'ont décidé, quant au droit de *Banalité*, c'est à dire comme inhérents au droit de fief, mais comme droits résultants des conventions des parties auxquelles les censitaires sont forcés d'accéder s'ils veulent obtenir des

terres. Il demanderait maintenant à l'hble membre pour Richelieu, ce qu'avaient à faire avec notre système, les tenures d'Angleterre, de Hongrie etc? Parce que ces tenures sont mauvaises, s'ensuit-il que la notre soit bonne; ou que si elle est mauvaise, nous devons adopter l'une d'elles? certainement non. Il voterait pour les résolutions maintenant devant le comité; mais avec la condition expresse qu'on aura égard aux droits acquis des intéressés.<sup>34</sup>

Mr. Quesnel, dit que dans l'origine de l'établissement du pays, ce système avait été avantageux. Maintenant il s'agissait de législater (sic) pour l'avenir. Si cela pouvait se faire sans attaquer les droits des intéressés. (sic) ce serait rendre au pays un service éminent. Si on peut trouver un mode de se débarasser de ce système, sans aucun dommage quelconque aux seigneurs actuels, on aura des titres à la reconnaissance de la postérité.<sup>35</sup>

Mr. Christie said, that under the existing tenure, what with the crown, and the seignior together, the poor censitaire was similarly situated to the man, who married two wives, who on the one side pulling out the grey hairs, on the other the black were in a fair way of leaving him bald altogether. Whenever property was sold under this tenure, if it was for the fiftieth time, each time the crown came in for a share — then came the seignior with his eight per cent not only upon the land, but upon all improvements on it!! (hear.) — Where two or three *francs* only had been paid originally — *now* the claim had advanced to as many *pounds* (hear, hear) such was the pursuing nature of this course of things that a farm taken under it could not by any means be extricated from this accumulation of exactions.<sup>36</sup>

Mr. Morin made a long and able speech in favour of the resolutions now before the committee, calling upon the legislature to provide a remedy, with a due regard to the rights of all. In byegone (sic) years when the system had been established it might have been suitable to the times, but now such a plea could no longer be urged. Among the abuses that were merged in seigniorial claims, he enumerated reservations of timber, of ground for erecting mills, of rights to a certain amount of labour (amounting to a principle of slavery,) reservation of saw-mills (sic), and a right of venality which compelled any party purchasing at a low rate, to resign his bargain upon such purchase money being paid to him.<sup>37</sup>

Mr. Parent also spoke in favour of the resolutions, and trusted that parliament would not allow the present session to go on without legislating upon the evil.<sup>38</sup>

Mr. Neilson, taking the same view of the subject as Mr. Viger, affirmed, that seigniorial tenures were *not* burdensome to the people. He had, he said, visited a great many countries, and had found none where the people were so *happy* and *contented* as they were on the lands where this *state of things* prevailed. He declared the present attack was against right and property that ought to be held sacred, and although advocating the abolition of the present system had been made an article of independence by one of his own name in Lower Canada, he maintained that the dues exacted were only *such* as the seignors were *lawfully* entitled to, — as such he had always cheerfully paid them — and was willing to continue to do so. These seigniorial rights, he said, had sprung out of the sacrifices that had been made by the seignors in settling the country, at a time, when he remembered it was necessary for the censitaire to take his musket with him when in pursuit of his daily labour — and the aim that was now taken at their destruction, he pronounced to be a principle in its very nature, revolutionary.<sup>39</sup>

Mr. Moffatt was of opinion that the change was necessary, and that it could be produced by a change in the *Canada Tenures Act*. He was an advocate for a voluntary measure, and not compulsory. The hon. member explained that if the Seigneur was allowed first to commute with the censitaire and then with the Crown, that the change would soon be required. He deprecated any time being lost in further enquiries. If the hon. member for Richelieu wished an enquiry, why did he not make it? — why had he done nothing during his long parliamentary career? The hon. member then proceeded to show how the system operated to the prejudice of the country, and particularly the towns.<sup>40</sup>

Mr. Viger explained — that 30 years ago a remedy had been proposed — and that whenever an abuse had been decried, his voice had always been exerted for its removal.<sup>41</sup>

Mr. Day spoke at some length in favour of the resolution, diverging from the high road to Lower Canada to the middle ages.<sup>42</sup>

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and after some time spent therein,

Several Resolutions reported.

Mr. Speaker resumed the chair,

And Mr. Woods reported, that the Committee had come to several resolutions, which resolutions were again read at the Clerk's table, as followeth : —

Resolutions on "Seigniorial Tenure."

*1st Resolved* — That from the increasing improvement of the Country, and from the abuses which have grown out of the operation of the Tenure of Lands, now existing in that part of the Province heretofore called *Lower Canada*, commonly known as the "Seigniorial Tenure," the said Tenure has become less adapted to the wants, prosperity and advancement of the Province, and in many instances burthen-some and oppressive to the people.

*2d Resolved* — That the different Legislative enactments passed in the Parliament of the United Kingdom, touching and concerning the said Tenure, have not attained the end sought for by their framers — and that it is expedient to adopt other efficient and equitable means for relieving the people from the above difficulties, and of gradually substituting for the Seigniorial system, a Free Tenure more consonant to their condition, interests and wishes.

*3d Resolved* — That in the changes to be made in the Laws of Tenure — due regard should be had to the vested rights of all parties concerned, and provision made for ascertaining the same with a view to an equitable adjustment.

*Ordered* — That the question of concurrence be now separately put upon each of the said Resolutions.

And the first and second of the said Resolutions being again severally read, and the question of concurrence being separately put thereon, the House divided upon each, and the names being called for, they were taken down as followeth : —

## YEAS.

House divides on first and second Resolutions.

<i>Armstrong,</i>	<i>Draper, Hon. W.H. Morin,</i>	<i>Smith, (Fron.)</i>
<i>Baldwin,</i>	<i>Dunscomb,</i>	<i>Morris,</i>
<i>Borne,</i>	<i>Durand,</i>	<i>Parent,</i>
<i>Boutillier,</i>	<i>Foster,</i>	<i>Parke,</i>
<i>Buchanan,</i>	<i>Hincks,</i>	<i>Powell,</i>
<i>Cameron,</i>	<i>Holmes,</i>	<i>Price,</i>
<i>Chesley,</i>	<i>Johnston,</i>	<i>Quesnel,</i>
<i>Christie,</i>	<i>Killaly, Hon. H.H. Raymond,</i>	<i>Turcotte,</i>
<i>Cook,</i>	<i>McDonald, (Glen.)</i>	<i>Watts,</i>
<i>Day, Hon. C.D.</i>	<i>Moffatt, Hon. G.</i>	<i>Robertson,</i>
<i>Delisle,</i>	<i>Moore,</i>	<i>Simpson,</i>
<i>Derbshire,</i>		<i>Small,</i>
		<i>Yule. — 45.</i>

## NOES.

<i>Berthelot,</i>	<i>Neilson,</i>	<i>Viger, Hon. D.B.</i>	(3.)
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Resolutions 1st and 2nd carried.

So they were carried in the affirmative.

3rd Resolution carried.

The third and last of the said Resolutions being again read, and

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the question of concurrence being put thereon, it was agreed to un-animously, and —

*Resolved* — That this House doth concur with the Committee in the said Resolutions.

Mr. *Dunscomb* moved, seconded by Mr. *Morin*,

Resolutions referred to Committee of 7.

That the said resolutions be referred to a Committee of seven Members to inquire into the best means of investigating the subject, with a new to its final adjustment, and to report thereon from time to time by Bill or otherwise ; with power to send for persons, papers, and records.



The Honorable Mr. *Viger*, moved in amendment seconded by Mr. *Berthelot*, that the words "by Bill or otherwise" be struck out of the said motion.

The question having been put upon the motion of amendment, a division ensued and it passed in the negative.

The question being then put upon the main motion, a division also ensued and it was carried in the affirmative.

*Resolved* — Accordingly.

Committee. Mr. *Dunscomb* moved, seconded by Mr. *Armstrong*,

That the following Members do compose the said Committee Mr. *Morin*, Mr. *Noel*, Mr. *Raymond*, Mr. *Taschereau*, Mr. *Armstrong*, and the Honorable Mr. *Moffatt*, and that the 77th rule of this House be dispensed with in so far as relates to the appointment of this Committee.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative.

*Ordered* — Accordingly.

House goes into Committee on Ordinance realting to Sherbrooke Rail Road.

The Order of the day for the House in Committee to take into consideration the expediency of amending a certain Ordinance, passed by the Special Council of the late Province of *Lower Canada*, in the 4th year of Her Majesty's Reign, intituled "*An Ordinance for making a Rail Road, from Sherbrooke to a point upon either bank of the River Richelieu*," being read.

The House accordingly resolved itself into the said Committee.

Mr. *Yule*, took the chair of the Committee, and after some time spent therein,

Resolutions reported.

Mr. *Speaker* resumed the chair,

And Mr. *Yule*, reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's Table, and agreed to by the House, and is as followeth : —

*Resolved* — That it is expedient to amend an Ordinance of the Special Council of *Lower Canada*, passed in the 4th year of Her Majesty's Reign, intituled, "*An Ordinance for making a Rail Road, from Sherbrooke to a point upon either bank of the River Richelieu*," as far as regards the commencement of the said Road.

Bill to amend Ordinance on Sherbrooke Rail Road read first time.

*Ordered* — That Mr. *Moore*, have leave to bring in a Bill to amend a certain Ordinance of the Legislature of *Lower Canada*, for making a Rail Road from *Sherbrooke* to the River *Richelieu*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Second reading Wednesday next.

*Ordered* — That the said Bill be read a second time on *Wednesday* next.

House in Committee on Highways.

The Order of the day for the House in Committee to take into consideration the propriety of repealing or amending the Statutes and Ordinances of that part of this Province formerly called *Lower Canada*, relating to the improvement of the Queen's Highways during the winter season, being read,

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The House accordingly resolved itself into the said Committee.

Mr. *Cameron*, took the chair of the Committee, and after some time spent therein,

Mr. *Speaker* resumed the chair.

Order of day for Committee of whole on Small Debt Bill, postponed.

The Order of the day for the House in Committee on the Bill to repeal the Laws now in force, in that part of this Province formerly called *Upper Canada*, for the recovery of small debts, and to make other provision therefor, being read,

*Ordered* — That the said order of the day be postponed until tomorrow.

Order of day for  
Com. of whole on  
Welland Canal Stock  
postponed.

The Order of the day for the House in Committee to take into consideration the expediency of granting a sum of money to purchase the private shares in the *Welland* Canal, being read,

*Ordered* — That the said Order of the day be postponed until to-morrow.

Mr. *Henry Smith* moved, seconded by Mr. *Small*,

That the House do now adjourn.

The question having been put upon the said motion, a division ensued, and it passed in the negative.

House in Com. on  
Judicature of Gaspé.

The Order of the day for the House in Committee to take into consideration the expediency of altering and amending the judicature Acts relating to the Inferior District of *Gaspé*, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Dunscomb*, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Progress.

And Mr. *Dunscomb*, reported that the Committee had made some progress and directed him to move for leave to sit again.

Sit again on  
Wednesday.

*Ordered* — That the said Committee have leave to sit again on *Wednesday* next.

House in Com. on  
Justices returns of  
fines, &c.

The Order of the day for the House in Committee on the Bill to require Justices of the Peace to make returns of convictions and fines, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Boswell*, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair.

Progress.

And Mr. *Boswell*, reported that the Committee had made some progress, and directed him to move for leave to sit again.

Sit again to-morrow.

*Ordered* — That the said Committee have leave to sit again to-morrow.

Caledonia Bridge  
Company bill, read  
2nd time.  
To be committed  
on Monday.

A Bill to incorporate certain Persons under the title of "The *Caledonia* Bridge Company" was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House in *Monday* next.

House in Committee  
on Mutual Insurance  
Act of U.C.

The Order of the day for the House in Committee to take into consideration the expediency of amending a certain Act of the Parliament of the late Province of *Upper Canada*, intituled "*An Act to authorize the establishment of Mutual Insurance Companies in the several Districts of the Province*," being read,

The House accordingly resolved itself into the said Committee.

Mr. *Simpson*, took the chair of the Committee and after some time spent therein,

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Mr. Speaker resumed the chair,

Several Resolutions  
reported.

And Mr. *Simpson*, reported that the Committee had come to several Resolutions, which Resolutions were again read at the Clerk's Table, and agreed to by the House, and are as followeth : —

1st Resolution.

*Resolved* — That it is expedient to amend so much of the 5th clause of an Act passed in the 6th year of His late Majesty King *WILLIAM* the *Fourth* intituled "*An Act to authorize the establishment of Mutual Insurance Companies in the several Districts of the Province*," as provides that the Company established in each District under the authority of the said Act shall alone have the right of insuring property lying within such District.

2nd Resolution.

*Resolved* — That it is expedient to amend so much of the 7th clause of the said Act as provides that the affairs of each Company formed under the said Act shall be managed by a Board of Directors to be

composed of seven Persons, and to substitute twelve as the number of which the said Board shall consist.

On motion of Mr. *Hincks*, seconded by Mr. *Price*.

Resolution referred  
to Com. of 5.

*Resolved* — That the said resolutions be referred to a Committee of five members, to consist of Mr. *Merritt*, Mr. *Baldwin*, Mr. *Small* and Mr. *Dunsmomb*, to report thereon with all convenient speed, by Bill or otherwise, with power to send for persons, papers, and records, and that the 77th Rule of the House be dispensed with in so far as relates to the appointment of this Committee.

Order of day for  
Com. on Ballot Bill,  
postponed.

The Order of the day for the House in Committee on the Bill to authorize the voting by ballot, being read,

*Ordered* — That the said Order of the day be postponed until *Friday* next.

Order of day for  
Com. on Mill-dam  
Bill, postponed.

The Order of the day for the House in Committee on the Bill to settle, by a more easy and less expensive mode than now by law exists, the damages which have been, or may hereafter be, sustained by the proprietors of land overflowed by means of the erection of mill-dams, being read,

*Ordered* — That the said Order of the day be postponed until tomorrow.

Order of day for  
Com. of whole on  
Ordinance relating to  
Taverns and Tavern  
keepers, postponed.

The Order of the day for the House in Committee to consider the expediency of amending, in part, an Ordinance of the Special Council of the late Province of *Lower Canada* 4 VIC., Cap. 42, intituled "*An Ordinance to repeal in part, and to render permanent, as amended, a certain Ordinance therein mentioned relative to Taverns and Tavern Keepers, and to make further provision relative to the same subject,*" being read,

*Ordered* — That the said Order of the day be postponed until *Wednesday* next.

Then, on motion of the Honorable Mr. *Moffatt*, seconded by the Honorable Mr. *Harrison*,  
The House adjourned.

#### Footnotes — 28 July 1841.

1. The debate occurring was reported by: EXAMINER, 4 August 1841; KINGSTON CHRONICLE, 31 July 1841, 4 August 1841; EXAMINER, 11 August 1841, containing the same report as that found in KINGSTON CHRONICLE, 4 August 1841; WESTERN HERALD, 11 August 1841.

2. KINGSTON CHRONICLE, 31 July 1841.

3. IBID.

4. IBID.

5. IBID.

6. IBID.

7. IBID.

8. KINGSTON CHRONICLE, 4 August 1841.

9. KINGSTON CHRONICLE, 31 July 1841.

10. KINGSTON CHRONICLE, 4 August 1841.

11. KINGSTON CHRONICLE, 31 July 1841.

12. KINGSTON CHRONICLE, 4 August 1841.

13. IBID.

14. IBID.

15. IBID.

16. KINGSTON CHRONICLE, 31 July 1841.

17. KINGSTON CHRONICLE, 4 August 1841.

18. IBID.

19. IBID.

20. KINGSTON CHRONICLE, 31 July 1841.

21. The debate occurring was reported by: EXAMINER, 4 August 1841; BRITISH COLONIST, 4 August 1841; LE CANADIEN, 11 August 1841; KINGSTON CHRONICLE, 31 July 1841. The left hand column of the KINGSTON CHRONICLE, 31 July 1841 has been obliterated on the microfilm, and where speeches have been drawn from the KINGSTON CHRONICLE, missing words are indicated by double brackets.

22. KINGSTON CHRONICLE, 31 July 1841. The text of these RESOLUTIONS is found in JOURNALS, 28 July 1841, p. 246.

23. LE CANADIEN, 11 August 1841.

24. IBID.



25. KINGSTON CHRONICLE, 31 July 1841.
26. IBID.
27. IBID.
28. LE CANADIEN, 11 August 1841.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. BRITISH COLONIST, 4 August 1841.
37. IBID.
38. IBID.
39. IBID.
40. KINGSTON CHRONICLE, 31 July 1841.
41. BRITISH COLONIST, 4 August 1841.
42. IBID.

Thursday, 29 July 1841.

*Petitions brought up.*

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The following Petitions were severally brought up and laid on the Table : —

W. Millar, & others.

By Mr. *McLean* — The Petition of *W. Millar*, and others, of the Townships of *Roxborough* and *Finch*, County of *Stormont*.

*Petitions brought up.*

(250)

By Mr. *Morris* — The Petition of *Henry Weeks*, of *Yonge*, District of *Johnstown*.

Henry Weeks.

Geo. P. Ridout.

By Mr. *Buchanan* — The Petition of *George Percival Ridout*, and others, members of the Board of Trade of *Toronto*.

Board of Works Bill  
read 3rd time.

An engrossed Bill to repeal certain Ordinances therein mentioned, and to establish a Board of Works in this Province, was read for the third time.

Clause proposed.

Mr. *Durand* moved, seconded by Mr. *Hincks*, That the following clause, marked A., be added to the Bill by way of *Ryder*, and do make part thereof : —

CLAUSE A. — “ And be it enacted, this Act shall be and continue in force for four years from the passing thereof, and from thence to the “ end of the then next ensuing Session of Parliament, and no longer.”

Previous to the division Mr. *Cartwright* declared that since the last discussion on looking into the bill, he had changed his mind and thought it more prudent not to pass it as a permanent law.<sup>1</sup>

Mr. *Small* said that he also had changed his mind and would vote that it should be permanent.<sup>2</sup>

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The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth : —

#### YEAS.

House divides.

<i>Armstrong,</i>	<i>Christie,</i>	<i>Merritt,</i>	<i>Price,</i>
<i>Baldwin,</i>	<i>Cook,</i>	<i>Morin,</i>	<i>Quesnel,</i>
<i>Barthe,</i>	<i>Duggan,</i>	<i>Morris,</i>	<i>Raymond,</i>
<i>Borne,</i>	<i>Durand,</i>	<i>Neilson,</i>	<i>Taché,</i>
<i>Boutillier,</i>	<i>Hincks,</i>	<i>Noel,</i>	<i>Thompson,</i>
<i>Cartwright,</i>	<i>McNab, Sir A.N.</i>	<i>Parent,</i>	<i>Viger, Hon. D.B.</i>

(24.)

#### NOES.

<i>Boswell,</i>	<i>Delisle,</i>	<i>Johnston,</i>	<i>Robertson,</i>
<i>Buchanan,</i>	<i>Draper, Hon. W.H.</i>	<i>Killaly, Hon. H.H.</i>	<i>Roblin,</i>
<i>Burnet,</i>	<i>Dunn, Hon. J.H.</i>	<i>McDonald, (Glen.)</i>	<i>Small,</i>
<i>Cameron,</i>	<i>Duncomb,</i>	<i>McLean,</i>	<i>Steele,</i>
<i>Chesley,</i>	<i>Foster,</i>	<i>Moffatt, Hon. G.</i>	<i>Watts,</i>
<i>Child,</i>	<i>Hale,</i>	<i>Parke,</i>	<i>Williams,</i>
<i>Daly, Hon. D.</i>	<i>Harrison, Hon. S.B.</i>	<i>Prince,</i>	<i>Yule. — 30.</i>
<i>Day, Hon. C.D.</i>	<i>Holmes,</i>		

Proposed clause  
negatived.

So it passed in the negative.

Motion for passing  
bill.

Mr. Solicitor General *Day* moved, seconded by the Honorable Mr. *Killaly*,

That the Bill do pass.

Amendment to  
motion.

Mr. *Baldwin* moved in amendment, seconded by Mr. *Durand*,

That all the words after "That," in the said motion, be expunged, and the following substituted: "the Bill be now recommitted."

Amendment lost.

The question having been put upon the motion of amendment, a division ensued, and it passed in the negative.

Bill passed and sent  
to Council.

The question being then put upon the main motion, it was agreed to unanimously, and—

*Resolved*, accordingly.

*Ordered*—That Mr. Solicitor General *Day* do carry the said Bill to the Legislative Council, and desire their concurrence.

Message from  
Legislative Council.

A Message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery.

MR. SPEAKER,

Ladies Benevolent  
Society Bill passed.

The Legislative Council have passed the Bill intituled "An Act to "incorporate the Ladies Benevolent Society of *Montreal*," without any amendment.

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And, also,

LEGISLATIVE COUNCIL, THURSDAY 29th JULY, 1841.

Resolutions relating  
to Library.

*Resolved*—That it would greatly facilitate the business of this House if the Library of the Legislative Council of the late Province of *Lower Canada*, together with a moiety of the books belonging to the Legislature of *Upper Canada*, were placed under the charge of the Librarian of this House, and were accessible to the members thereof.

*Resolved*—That the Speaker do take steps for the removal to this place of the first mentioned Library, as soon as convenient, and that a message be sent to the Legislative Assembly recommending the appointment of a joint Committee to enquire into and report to the respective Houses the number of volumes belonging to the latter Library, and how they may most properly be divided between the two Houses.

*Ordered*—That a copy of the foregoing resolutions be sent by the Master in Chancery to the Legislative Assembly for their information, and that they be requested to concur in the latter resolution.

Attest,

JAMES FITZGIBBON,

Clerk Legislative Council.

And then he withdrew.

Order of day for  
3rd reading Civil  
rights Bill read.

The Order of the day for the third reading of the engrossed Bill to secure to and confer upon certain inhabitants of this Province the civil and political rights of natural born *British* subjects, being read,

Mr. *Cartwright* moved, seconded by Sir *Allan McNab*,

That the said Order of the day be discharged, and that it be—

Motion for dis-  
charging said order.

Resolutions on same  
subject moved.

*Resolved*—That on the ratification of the Treaty of 1783, by *Great Britain*, and the *United States of America*, the bond of union between the inhabitants of the two countries was for ever cancelled, and the constitutional obligations on both sides were, by this concurrent Act, as completely dissolved as if they had never existed.

1st Resolution.

*Resolved*—That since the ratification of the said Treaty the external and internal policy of *Great Britain* and the *United States*, has proceeded upon the principle that the Inhabitants of each Country were Aliens to those of the other.

2nd Resolution.

*Resolved*—That the Province of *Quebec* remained faithful to His late Majesty King GEORGE the *Third*, and to the supremacy of the Imperial Government during the *American* Rebellion.

3rd Resolution.

*Resolved*—That the said Province was made an Asylum by His late Majesty GEORGE the *Third*, for His Loyal Subjects who during the *American* Rebellion adhered to their allegiance.

4th Resolution.



5th Resolution.

*Resolved* — That while every encouragement was given, by His said late Majesty's Government, for the admission of all Persons from the *United States* who had manifested their loyalty during the Rebellion, no encouragement was ever given or held out to Citizens of the *United States* to come into the Province of *Quebec*, either by Imperial or Colonial Governments.

6th Resolution.

*Resolved* — That notwithstanding the want of such encouragement, many Persons have continued to gain admission in this Province who, instead of being attached to *British* Laws, are either hostile or totally indifferent as to what Government they live under, provided it suits the present convenience.

7th Resolution.

*Resolved* — That the experience of the last four years has proved the hostile disposition of the People of the *United States* to the *British* supremacy in *Canada*, and that it is neither desirable or expedient to encourage emigration from those States into this Province.

8th Resolution.

*Resolved* — That this House is anxious that Her Majesty's Govern-

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ment should encourage emigration from the United Empire as the only means of ensuring the permanency of that connection between the Parent State and this Province, which is so essential to the prosperity of both.<sup>3</sup>

**Mr. Cartwright** ... for one would not be instrumental in bringing about such a state of things as they had already sufficiently experienced the sad effects of, and which the bill was well calculated to do — that state which these united colonies had but just emerged from — a state of anarchy and rebellion. (Hear, hear.) It had been asserted by an hon. member in that house yesterday that the greater part of the Americans who came to this country are good and loyal subjects. He (Mr. Cartwright) would assert, & fearlessly assert, that they are disloyal! (Hear, hear) The feelings by which they were actuated had been sufficiently portrayed (sic) when the standard of rebellion was raised within these Provinces. He would never consent that the privileges of British subjects should be conferred upon them. The present situation of the country was such as would prevent him from recording his vote in favour of naturalizing any citizen of the *United States* until we have some better assurance that they will make good subjects. He was desirous that his vote should be recorded on the journals of the House, and he would therefore move that the order of the day be discharged.<sup>4</sup>

**Mr. Durand** said he hoped the motion would be rejected and that the bill would pass. They had no reason to suppose that the Americans who settle in this Province are disloyal; on the contrary, he (Mr. Durand) was convinced that they were for the most part better subjects than those of British origin. (Hear, hear.) The mismanagement of the affairs of government in this colony had brought discredit upon the country, and stopped the tide of emigration. It was not the admission of American citizens to become subjects of this Province which injured the Province, but it was the declaring those who had been foremost in defending the country, to be aliens, as was done a few years ago by the famous or rather infamous Alien bill. His (Mr. Durand's) late lamented father, whose loyalty no one could question, had been designated as an alien.<sup>5</sup>

**Mr. Hale.** — The hon. gentleman has told us that no one could question the loyalty of his late lamented father. I am afraid this could hardly be said with regard to his father's son. (Hear, hear) However, I find myself in this instance compelled to vote with that hon. gentleman, though I am happy to say that I am not often on the same side with him. (Hear, hear.) I am from a part of the country which is almost entirely settled by persons who are Americans by birth, and Canadians by adoption. Among them so much as a whisper of rebellion was never heard. (Hear, hear) On the contrary, ninety-nine out of every hundred had been in arms in defence of the country. It would be extremely ungrateful, therefore, to refuse to admit them to the same privileges which we ourselves enjoy. (Hear, hear.)<sup>6</sup>

**Sir Allan MacNab** said he did not suppose that any thing which he could say would have the effect on changing the determination of the House; but he did not desire to shrink

from declaring his opinions upon the important question — upon one of those great measures which have been promised to us by the government; a measure which affects the rights of from five to ten thousand persons in this Province; a measure expressing the views of government; confirming all the advantages as well as the proud honor of being British subjects, upon people who have not even made application for that purpose, and without any recommendation from the home government. All who then heard him must admit that he (Sir Allan) had never hesitated to extend this advantage to all who apply for it by petition; but he could never satisfy himself that it was proper to pass a measure of this description, throwing open the door to all, even the convicts in the Provincial Penitentiary, who as soon as liberated would be entitled to claim the rights of subjects. After what he had witnessed within the last few years he could not believe it was right and proper, by one sweeping measure, to naturalize all, without exception, who are within the Province, and who are so strongly imbued with republican feelings and prejudices that they desire nothing more than to assimilate (sic) our noble institutions to those of the United States. No man can hide from himself the fact that we have, with some few worthy exceptions, the very dregs of society coming from the United States, and a measure of this kind, therefore, though no doubt will be exceedingly popular, will be exceedingly injudicious. If I oppose the measure, I believe it will be admitted that I do so from no other than a good motive. I believe the bill is fraught with danger to the safety and welfare of the country, and for this reason I oppose it.<sup>7</sup>

**Mr. J.S. MacDonald** said he was opposed to a general measure of this kind. He could not exactly discover the reason why it had been made so comprehensive unless it were that the learned gentlemen were anxious to avoid the numerous applications which would be made to them for separate acts of naturalization. He (Mr. McDonell) was opposed to opening a door for the admission of all Americans indiscriminately for he was perfectly satisfied that they would as soon find the River St. Lawrence turn its current towards Niagara, as they would find Americans become good subjects of this province. (Hear, hear.) Where the greatest number of Americans were settled, there had been the very focus of rebellion; in the Eastern District on the contrary where there were no Americans there was not the slightest suspicion of disloyalty. He believed this bill was calculated to do a great deal of harm in the country and he would therefore vote against it. He was not in favor of making subjects of those who had never asked for the boon, he would at all events allow them to petition the legislature before he granted them the privilege of becoming subjects of this province.<sup>8</sup>

**Mr. Simpson** said he had but one thing to object to, which was, that instead of five years residence as the bill provides, the period should be seven. If it required seven years to learn a simple trade, he thought there should at least as long a probation be required before a foreigner could be endowed with the highest attributes of a British Subject.<sup>9</sup>

**Mr. Merritt** said it was amusing to hear the apprehensions which are expressed by hon. members concerning Americans. There were, he was happy to say, in that house some living witnesses of the conduct of those very people, who had been so mercilessly traduced on occasion of the late war with the United States in 1812. And who were the originators of the late rebellion! Were they Americans? No. They were the English, Irish, and Scotch! — (Hear, hear.) When hon. gentlemen talk of the Americans disseminating their republican principles in this country he really thought it was very like a tacit admission that their institutions were better than our own else, where could be the danger to be apprehended from their attempts. He (Mr. Merritt,) would be ashamed to make such an admission particularly as we have now responsible government. (Hear, hear.) He hoped the bill would pass and more than that, he would have been better pleased if the government had sent down a measure which would have embraced foreigners from all parts of the earth! He thought it was high time that they should abandon the Chinese policy hitherto pursued and adopt a more liberal and extended policy. (Hear.)<sup>10</sup>

**Mr. Cartwright** said he believed that the gallant and learned Knight said on a former occasion been in favor of a measure of this description which was introduced in the house of Assembly of Upper Canada by the learned and gallant Colonel from Essex. He (Mr. Cartwright) was in a minority upon that question, but subsequent events had justified the vote he then gave.<sup>11</sup>

**Colonel Prince** said he only regretted that this bill does not go to the same extent as the one to which the hon. and learned member had just alluded. But he (Col. Prince) was



one of those who was willing to get half a loaf if he could not get a whole one. He was astonished to find the gallant Knight from Hamilton so strenuously opposing this bill. He was quite at a loss to imagine by what consideration he was actuated, whether it was because the bill emanates from the government, (hear, hear,) or whether the events of the last four years have changed his opinions — those events which have conferred upon the gallant Knight a great deal of renown at very little inconvenience to himself. (Hear, hear.) If it could be ascertained, the gallant Knight would discover that the majority of the individuals for whom this bill is intended are those who stood by us in the time of our difficulty, not those who annoyed the government of this country during the four years of rebellion. He would acquit the Americans, as a nation, of having been instrumental in putting the government of this country to the expense it had been put to. The revolution of 76 to which hon. gentlemen seemed to attach so much importance as exhibiting the ingratitude of the American nation, he (Col. Prince) contended was an honor to that nation: he declared they were perfectly justified. (Hear, hear.) The individuals for whom the bill is intended are those who have sought our protection, have lived under and obeyed our laws, and the very least we can do is to hold out the right hand of fellowship to them. — (Hear, hear.)<sup>12</sup>

**Mr. Hale** said he thought there was some consideration due to the remark of the gallant Knight from Hamilton, that the bill comprehends also those who remain within the Province by compulsion — men suffering punishment for crimes. He thought this should not be overlooked.<sup>13</sup>

**Mr. Hincks** expressed his strong approbation of the bill and was satisfied that the hon. gentlemen on the Treasury benches would receive the thanks of the country for it. He remarked on Mr. Hale's eulogium on the American settlers in Lower Canada, who were loyal & contended, because it had been the policy of the government in that section of the Province to treat them well. In this part of the Province on the contrary their just demands had been slighted, their grievances remained unredressed, and they found themselves while nominally in the enjoyment of representative Institutions without any influence whatever over the government. This had rendered many dissatisfied and a few perhaps disaffected, but if they were secured in the enjoyment of their rights no class of the population would be more loyal, and he maintained that there was not in the Province a more sober, well conducted, and respectable population than the American settlers both in the Home District and that which he had the honour to represent, and who had been repeatedly and grossly libelled to her Majesty's Government. He would give his most cordial support to the bill.<sup>14</sup>

**Sir Allan MacNab** said he would reply to one observation of the learned gentleman from Essex, who said that he considered the Americans were perfectly justified in their revolution. He (Sir Allan) believed if this were admitted that upon the same rate of reasoning we should all be rebels in this province. (Hear, hear.) The learned gentleman might be assured that he (Sir Allan) had no particular desire to oppose the government or to support it (Hear, hear.) So long as he considered the government to be right he would of course support them but no longer. (Hear, hear.) He (Sir Allan) was not to be driven from his position by ridicule or by the terror of being thought an opposer of the government.<sup>15</sup>

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House divides on motion.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth: —

YEAS.

*Burnet, MacNab, Sir A.N. Macdonald, (Glen.) McLean. — 5.*  
*Cartwright,*

NOES.

<i>Armstrong,</i>	<i>Daly, Hon. D.</i>	<i>Killaly, Hon. H.H.</i>	<i>Robertson,</i>
<i>Baldwin,</i>	<i>Day, Hon. C. D.</i>	<i>Merritt,</i>	<i>Roblin,</i>
<i>Barthe,</i>	<i>Delisle,</i>	<i>Moffatt, Hon. G.</i>	<i>Simpson,</i>
<i>Berthelot,</i>	<i>Derbshire,</i>	<i>Morin,</i>	<i>Small,</i>
<i>Borne,</i>	<i>Draper, Hon. W.H.</i>	<i>Morris,</i>	<i>Smith, (Fron.)</i>
<i>Boswell,</i>	<i>Dunscumb,</i>	<i>Neilson,</i>	<i>Steele,</i>



<i>Boutillier,</i>	<i>Durand,</i>	<i>Noel,</i>	<i>Taché,</i>
<i>Buchanan,</i>	<i>Foster,</i>	<i>Parent,</i>	<i>Thompson,</i>
<i>Cameron,</i>	<i>Hale,</i>	<i>Parke,</i>	<i>Viger, Hon. D.B.</i>
<i>Chesley,</i>	<i>Harrison, Hon. S.B.</i>	<i>Price,</i>	<i>Watts,</i>
<i>Child,</i>	<i>Hincks,</i>	<i>Prince,</i>	<i>Williams,</i>
<i>Christie,</i>	<i>Holmes,</i>	<i>Raymond,</i>	<i>Yule. — 49.</i>
<i>Cook,</i>			

Motion lost, and  
Bill read 3rd time.

So it passed in the negative.

The said Bill was then, according to order, read for the third time.

The Honorable Mr. *Harrison* moved, seconded by Mr. *Prince*,

That the Bill do pass.

Mr. *Simpson*, moved in amendment, seconded by Mr. *Cartwright*,

That the Bill be now re-committed.

The question having been put upon the motion of amendment, a division ensued, and it passed in the negative.

The question being then put upon the main motion, it was agreed to unanimously, and —

*Resolved*, — accordingly.

Bill passed.

*Ordered* — That the Honorable Mr. *Harrison*, do carry the said Bill to the Legislative Council and desire their concurrence.

Leave of absence  
to Mr. Duggan.

*Ordered* — That Mr. *Duggan*, have leave to absent himself from this House during the space of eight days, on urgent business.

*Petitions read.*

Pursuant to the Order of the day the following Petitions were read :

Archibald Mc'Donnell  
and others.

Of *Archibald McDonnell* and others, of the Townships of *Gloucester*, *Osgoode*, and *Russell*, praying that a Turnpike Road be made from *Bytown* to the *St. Lawrence*, and that it pass through the foregoing Townships.

Nicholas Gifford  
and others.

Of *Nicholas Gifford* and others, of the *Ottawa* District, praying that a new Court House and Gaol may be erected in a more central and convenient part of the District than where the present buildings now are.

John Cameron.

Of *John Cameron*, of the Township of *Finch*, County of *Stormont*, praying for an aid to open a Road in the said Township.

Rev. W. Anderson,  
and others.

Of the Reverend *William Anderson*, and others of *William Henry*, praying for an aid of £100 towards the support of a School.

H. Robinson.  
and others.

Of *H. Robinson*, and others of the Township of *Shefford*. County of *Shefford*, praying for an aid of £1000 to alter and improve the Public Road in the vicinity of *Waterloo*, in said County.

Of Joseph Masson  
and others.

Of *Joseph Masson*, and others of *Toronto*, praying for an Act of incorporation under the style of "The City of *Toronto* Gas Light Company."

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Of W. B. Jarvis and  
others.

Of *W. B. Jarvis*, and others of the City of *Toronto* praying for an Act of incorporation in favour of *Joseph Masson* and others, under the style of "The City of *Toronto* Gas Light Company."

Mayor &c., of  
Toronto.

Of the Mayor, Alderman and Commonalty of the City of *Toronto*, praying for an Act of incorporation in favour of *Joseph Masson* and others, under the style of "The City of *Toronto* Gas Light Company."

Of Charles Tait and  
others.

Of *Charles Tait*, and others of *Montreal*, praying that an Act be passed to extend the time in 53rd Section of the Ordinance of the late Special Council of *Lower Canada*, of the fourth year of Queen VICTORIA chapter 41.

James Kennedy  
and others.

Of *James Kennedy*, and others, of the Township of *Chatham*, County of the *Lake of Two Mountains*, praying for the establishment and support of Schools throughout the Province.

Of William Young  
and Donald W. Phail  
Committee formed.

Of *William Young*, and *Donald W. Phail*, of the Township of *Chatham*, County of the *Lake of Two Mountains*, praying for an aid towards the support of School, number five, in the said Township.

Petition of J. Grubb, T. Masson and others referred.

*Resolved* — That the Petition of *John Grubb, Thomas Masson*, and others, Inhabitants of the Townships of *Etobicoke, Vaughan, King*, and other places in the *Home District*, presented to the House on the 16th of *June* last, be referred to a Committee of five Members, to examine the contents thereof, and report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Committee formed.

*Ordered* — That *Mr. Price, Mr. Baldwin, Mr. Small, Mr. Duggan*, and *Mr. Durand*, do compose the said Committee.

Answer to an address on the claim of *Christopher Leggo*, referred to a Select Committee.

*Resolved* — That the Return to an Address of the 6th instant from the House of Assembly to His Excellency, the Governor General, relative to the claim of *Christopher Leggo*, of *Brockville*, laid before the House yesterday, be referred to a Committee of five Members, to report thereon with all convenient speed, with power to send for persons, papers, and records.

Committee formed.

*Ordered* — That *Mr. Morris, Mr. Sherwood, Mr. Cameron, Mr. Cartwright*, and *Mr. Price*, do compose the said Committee.

Petition of *Jos. Masson* and others, of *W. B. Jarvis* and others, and of the Mayor, Ald. and Commonalty of the City of *Toronto*, referred to a Sel. Com.

*Resolved* — That the Petition of *Joseph Masson*, and others of *Toronto*, the Petition of *W. B. Jarvis*, and others of the City of *Toronto*, and the Petition of the Mayor, Alderman and Commonalty of the City of *Toronto*, be referred to a Committee of three Members, to examine the contents thereof, and report thereon with all convenient speed, by Bill or otherwise; with power to send for Persons, papers, and records.

Committee formed.

*Ordered* — That *Mr. Holmes, Mr. Buchanan* and the Honorable *Mr. Dunn*, do compose the said Committee.

Petitions to Her Majesty, reported.

*Mr. Neilson*, from the Select Committee appointed to draft humble Petitions to Her Majesty and both Houses of the Imperial Parliament founded on the Resolutions of this House of the 26th instant, relative to the proposed alteration of the Timber Duties, reported the drafts of the said Petitions, which were again severally read at the Clerk's table, and agreed to by the House, and are as followeth:—

To the Queen's Most Excellent Majesty.

MAY IT PLEASE YOUR MAJESTY :

Petition to Her Majesty on the subject of duties on Timber and deals, on importation into the United Kingdom, from the Colonies.

We, Your Majesty's most dutiful and loyal subjects, the Legislative Assembly of the Province of *Canada*, in Provincial Parliament Assembled, most humbly represent that we have learned, with serious apprehensions, that Your Majesty's servants have recently proposed to the Honorable the House of Commons an alteration, unfavorable to the Colonies, in the relative scale of duties levied on Foreign and Colonial

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Timber and Deals, on their importation into the United Kingdom, which scale has remained nearly the same during the last thirty years.

That the discriminating duty in favor of Colonial Timber and Deals was originally established without any solicitation, on the part of the inhabitants of the Colonies, and was considered by them as connected with objects of national policy, and therefore likely to be permanent, and they accordingly embarked their capital and industry in the Trade of preparing and bringing to the Home Market the produce of the Forests of *Canada*; which trade, during the continued encouragement of the relative scale of Duties, has grown, from the loading in part of a few vessels frequenting the Saint Lawrence, to the loading of more than a thousand ships annually.

That the competition in the Trade, in Timber and Deals in the Colony, is free to all Your Majesty's subjects, and that under an unfavorable alteration of the existing duties, the Trade must almost altogether cease, and a great part of the capital vested in the Trade, and in Lumbering Establishments, be lost, while a very large portion of the Inhabitants must be deprived of their usual employments — the Agriculturists be, to a great degree, deprived of a near and advantageous

market for their produce, Importations be greatly diminished, and the Province left without a sufficient revenue for the support of its local Government, the discharge of its existing engagements, and providing for the public wants.

Wherefore Your Petitioners humbly pray that Your Majesty will be graciously pleased to maintain the Inhabitants of this Province in the privileges and protection which their Trade now enjoys.

And Your Petitioners, as in duty bound, will ever pray.

Legislative Assembly,  
Province of Canada,  
Kingston, — July, 1841. }

To the Lords Spiritual and Temporal of the United Kingdom of  
*Great Britain and Ireland*, in Parliament assembled.

The Petition of the Legislative Assembly of the Province of *Canada*,  
in Provincial Parliament assembled.

HUMBLY SHEWETH :

That Your Petitioners have learned, with serious apprehensions, that Her Majesty's Ministers have recently proposed to the Honorable the House of Commons an alteration, unfavorable to the Colonies, in the relative scale of Duties levied on Foreign and Colonial Timber and Deals, on their importation into the United Kingdom, which scale has remained nearly the same during the last thirty years.

That the discriminating duty in favor of Colonial Timber and Deals, was originally established without any solicitation on the part of the inhabitants of the Colonies, and was considered by them as connected with objects of national policy, and therefore likely to be permanent, and they accordingly embarked their capital and industry in the Trade of preparing and bringing to the Home market the produce of the Forests of *Canada*; which Trade, during the continued encouragement of the relative scale of duties, has grown, from the loading in part a few vessels frequenting the Saint Lawrence, to the loading of more than a thousand large ships annually.

That the competition in the Trade in Timber and Deals in the Colony is free to all Her Majesty's subjects, and that under an unfavorable alteration of the existing Duties, the trade must almost altogether cease, and a great part of the capital vested in the Trade and in Lumbering Establishments be lost, while a very large portion of the

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inhabitants must be deprived of their usual employments — the Agriculturists be, to a great degree, deprived of a near and advantageous market for their produce — Importations be greatly diminished, and the Province left without a sufficient revenue for the support of its local Government, the discharge of its existing engagements, and providing for the public wants.

Wherefore Your Petitioners humbly pray that Your Most Honorable House will be pleased to maintain the Inhabitants of this Province in the privileges and protection which their Trade now enjoys.

And Your Petitioners, as in duty bound, will ever pray.

Legislative Assembly,  
Province of Canada,  
Kingston, — July, 1841. }

To the Honorable the Knights, Citizens and Burgesses, the Commons of the United Kingdom of *Great Britain and Ireland*, in Parliament assembled.

The Petition of the Legislative Assembly of the Province of *Canada*,  
in Provincial Parliament assembled.

Petition to the Lords  
on the subject of du-  
ties on Colonial tim-  
ber introduced into  
Great Britain.



Petition to the British House of Commons on the subject of the duty levied on Colonial Timber and deals, imported into the ports of Great Britain.

# HUMBLY SHEWETH :

That Your Petitioners have learned, with serious apprehensions, that Her Majesty's Ministers have recently proposed to Your Honorable House an alteration, unfavorable to the Colonies, in the relative scale of Duties levied on Foreign and Colonial Timber and Deals, on their importation into the United Kingdom, which scale has remained nearly the same during the last thirty years.

That the discriminating duty in favor of Colonial Timber and Deals was originally established without any solicitation on the part of the inhabitants of the Colonies, and was considered by them as connected with objects of national policy, and, therefore likely to be permanent, and they accordingly embarked their Capital and Industry in the Trade of preparing and bringing to the Home Market the produce of the Forests of *Canada* — which Trade, during the continued encouragement of the relative scale of Duties, has grown, from the loading in part of a few vessels frequenting the Saint Lawrence, to the loading of more than a thousand large ships annually.

That the competition in the Trade in Timber and Deals in the Colony is free to all Her Majesty's subjects, and that under an unfavorable alteration of the existing Duties, the Trade must almost altogether cease, and a great part of the capital vested in the Trade and in Lumbering Establishments, be lost, while a very large portion of the inhabitants must be deprived of their usual employments — the Agriculturists be, to a great degree, deprived of a near and advantageous Market for their produce — Importations be greatly diminished, and the Province left without a sufficient revenue for the support of its local Government, the discharge of its existing engagements, and providing for the public wants.

Wherefore Your Petitioners humbly pray that Your Honorable House will be pleased to maintain the inhabitants of this Province in the privileges and protection which their Trade now enjoys.

And Your Petitioners, as in duty bound, will ever pray.

Legislative Assembly,  
Province of Canada,  
Kingston, — July, 1841. }

On motion of Mr. *Neilson*, seconded by Mr. *Cameron*.

*Resolved* — That the Petitions to Her Majesty and to both Houses of the Imperial Parliament, on the proposed alteration of the Timber

Petitions to be communicated to Legislative Council for their concurrence.

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duties adopted by this House this day, be communicated, by Message, to the Honorable the Legislative Council, requesting their concurrence therein.

*Ordered* — That Mr. *Neilson*, do carry the said Message to the Legislative Council.

On motion of Mr. *Baldwin*, seconded by Mr. *Durand*,

*Ordered* — That the Bill the better to provide for the freedom of elections throughout this Province, and for other purposes therein mentioned, be referred to a Committee of the whole House on *Tuesday* next, and that it be then the first Order of the day.

Bill to provide for the freedom of Elections to be committed on Tuesday next.

On motion of Mr. *Merritt*, seconded by Mr. *Thompson*,

*Ordered* — That the Order of the day for the second reading of the Bill to amend the Militia Law of that part of the Province formerly constituting the Province of *Upper Canada*, lost by the adjournment of the House on *Wednesday* last, be revived, and that the said Bill be read a second time to-morrow.

Order of day for the 2nd reading Militia Law Bill revived.

Enregistration Bill brought in.

*Ordered* — That the Honourable Mr. *Harrison* have leave to bring in a Bill to provide for the enregistration of persons entitled to vote at elections of members of the Legislative Assembly of this Province, and to make better provision for the holding of such elections.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Tuesday* next.

On motion of Mr. *J. S. Macdonald*, seconded by Mr. *Boutiller*.

*Resolved* — That this House will, on to-morrow, resolve itself into a Committee of the whole House, to take into consideration the expediency of amending and consolidating the several Acts now in force in that part of this Province formerly constituting *Upper Canada*, in relation to the Heir and Devisee Commission.

On motion of Mr. *Parent*, seconded by Mr. *Neilson*,

*Ordered* — That the Order of the day for the second reading of the Bill to exempt the inhabitants of the County of *Saguenay* from the operation of certain Ordinances therein mentioned, lost by the adjournment of the House yesterday, be revived, and that the said Bill be read a second time on *Monday* next.

*Ordered* — That Mr. *Boutillier* have leave to bring in a Bill to regulate the appointment of Clerks of Magistrates in Country Parishes and Townships in the late Province of *Lower Canada*, and to provide rules for their conduct, and that of Bailiffs, in certain cases.

He accordingly presented the said Bill to the House, and the same was received and read a first time.

*Ordered* — That the said Bill be read a second time on *Wednesday* next.

On motion of Mr. *Roblin*, seconded by Mr. *J. S. Macdonald*,

*Ordered* — That the Order of the day, for the House in Committee, to take into consideration the propriety of amending the Laws now in force respecting the Boundary Line Commissioners within the Western part of *Canada*, lost by the adjournment of the House of yesterday, be revived, and that this House will, on *Wednesday* next, resolve itself into the said Committee.

On motion of the Honourable Mr. *Daly*, seconded by the Honourable Mr. *Harrison*,

*Resolved* — That the House do now resolve itself into a Committee

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of the whole House, to consider the expediency of repealing and amending in part, the Laws now in force for the regulation of Pilots and Shipping in the Port and Harbour of *Quebec*, and for improving the navigation of the River *Saint Lawrence*.

The House accordingly resolved itself into the said Committee.

Mr. *Roblin* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. *Roblin* reported, that the Committee had come to a Resolution, which Resolution was again read at the Clerk's Table, and agreed to by the House, and is as followeth : —

*Resolved* — That it is expedient to repeal and amend, in part, the Laws now in force for the regulation of Pilots and shipping in the Port and Harbour of *Quebec*, and for improving the navigation of the River *St. Lawrence*, and to extend the powers, and increase the funds of the Corporation of the Trinity House of *Quebec*.

*Ordered* — That the Honourable Mr. *Daly* have leave to bring in a Bill to repeal and amend in part certain Acts and a certain Ordinance therein mentioned, and to extend the powers and increase the funds of the Corporation of the Trinity House of *Quebec*.<sup>10</sup>

He accordingly presented the said Bill to the House and the same was received and read for the first time, and —

Second reading  
Tuesday next.

Committee of the  
whole on Heir and  
Devisee Laws,  
to-morrow.

Order for the day for  
the 2nd reading Bill  
to relieve Inhabitants  
of Saguenay revived.

Bill to regulate the  
appointment of Ma-  
gistrates' Clerks  
brought in and read  
1st time.

Second reading on  
Wednesday.

Order of day for  
Committee of the  
whole on Law  
relating to boundary  
line Commissioners  
revived.

Committee of whole  
on Laws regulating  
Pilots, Shipping, &c.

Chairman reports a  
Resolution.

Resolution.

Trinity House Que-  
bec Bill brought in  
and read first time.

Second reading on  
10th August next.

*Ordered*—That the said Bill be read a second time on *Tuesday* the 10th of *August* next.

Census Bill read 2nd  
time.

A Bill to repeal certain parts of an Act therein mentioned, and to provide for taking a periodical census of the inhabitants of this Province, and for obtaining the other statistical information therein mentioned was, according to order, read a second time.

To be committed on  
Thursday next.

*Ordered*—That the said Bill be referred to a Committee of the whole House on *Thursday* next.

House in Committee  
of whole on Bill to  
require returns of  
Fines, &c. from Jus-  
tices.

The Order of the day for the House in Committee on the Bill to require Justices of the Peace to make returns of convictions and fines, being read,

The House accordingly resolved itself into said Committee.

Mr. *Powell* took the chair of the Committee,<sup>17</sup>

An amendment was proposed to the 2nd clause, imposing a fine of £20 upon not making the necessary return.<sup>18</sup>

Mr. *Draper*, to justify the propriety of this, said, to such a degree had those fines been misappropriated, that he knew, from personal experience, where the fines in a district had amounted to more than had been returned for the whole province. (Hear, hear.)<sup>19</sup>

Mr. *Small* had known the Magistrate to accept of *labor on his own land*, in lieu of the fine.<sup>20</sup>

Mr. *Cameron* had known even large fines for larceny, smuggled away by some of our worthy Justices.<sup>21</sup>

Mr. *Hincks* was acquainted with one individual who had grown fat upon this substantial food.<sup>22</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair,

Bill reported  
amended.

And Mr. *Powell* reported that the Committee had gone through the Bill and had made several amendments thereto, which he was directed to report to the House whenever it will be pleased to receive the same.

*Ordered*—That the report be received to-morrow.

Order of day for  
Committee of whole  
on Municipal Corpora-  
tion Bill postponed  
till Tuesday next.

The Order of the day for the House in Committee on the Bill to provide for the better internal Government of that part of this Province heretofore *Upper Canada*, by the establishment of local or Municipal authorities therein, being read,

*Ordered*—That the said Order of the day be postponed until *Tuesday* next.<sup>23</sup>

Committee of whole  
on repealing Laws for  
disposal of Public  
Lands.

The Order of the day for the House in Committee to take into consideration the expediency of repealing the law of that part of the Province heretofore *Upper Canada*, for the disposal of the Public Lands of the Province, and providing by a law applicable to all parts of the Province for the disposal of Public Lands therein being, read,

The House accordingly resolved itself into the said Committee.

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Mr. *Armstrong* took the chair of the Committee,<sup>24</sup>

Mr. *Harrison* proposed to convert land rights into scrip, transferable; all agents transacting land business, to be subject to Commissioners, the latter to the Legislature. The Hon. Secretary disapproved of making wild land a source of revenue, and considered that, in order to carry out a wise plan, the first object should be, the settling of it — then revenue.<sup>25</sup>



Mr. Harrison stated that the object was to do away with the auction system entirely and to provide for sales being made at fixed prices in every district, and also in certain cases to make free grants in small lots of 50 acres to actual settlers.<sup>26</sup>

Mr. Baldwin enquired whether land claims would be received in payment in future at a fixed price.<sup>27</sup>

Mr. Harrison explained that the reason why these claims had been refused in payment of Clergy Reserves, was that the Crown fund had become largely indebted to the Clergy fund, owing to the amount of these claims paid on account of the Clergy Reserves.<sup>28</sup>

Mr. Hincks remarked on the great loss and inconvenience to which the people were subjected, owing to the vacillating conduct of the Executive Government. He knew an instance where a poor man had sold his team and waggon to procure land claims to pay on account of his Clergy Reserve lot, and afterwards they were refused. He also expressed a hope that some means would be taken to prevent the mistakes which too frequently occur at the Crown Land Office. He had that morning had occasion to go to the Crown Lands Office on behalf of one of his constituents who had about two years ago bought a lot at auction and paid for it in full. When the patent came to be made out it was ascertained that the lot had been already granted, and the other half of the lot was supposed to be the one intended to be sold. A patent was made out accordingly and was now in possession of the party, but he was written to a few days afterwards to say that this also was a mistake and he must surrender his patent or be brought into Chancery. The party interested, a highly respectable freeholder of the Brock District, was still without relief, and he (Mr. Hincks) was informed that he had written several letters to the Hon. Secretary which had not been attended to. He hoped that in this instance he should be able to procure redress, but such mistakes ought to be guarded against. He (Mr. H.) highly approved of the principle of selling lands at a fixed price by private sale, and should therefore support the resolution.<sup>29</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair,

Chairman reports a Resolution.

And Mr. *Armstrong* reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth : —

Resolution.

*Resolved* — That it is expedient to repeal the law of that part of the Province called *Upper Canada*, regulating the sale of Public Lands, and to provide, by a law applicable to all parts of this Province, for the disposal of Public Lands therein.

Bill for disposal of Public Lands brought in and read 1st time.

*Ordered* — That the Honourable Mr. *Harrison* have leave to bring in a Bill for the disposal of Public Lands.

Second reading Tuesday next.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and —

*Ordered* — That the said Bill be read a second time on *Tuesday* next.

Committee of whole on Small Debts Bill.

The Order of the day for the House in Committee on the Bill to repeal the laws now in force in that part of this Province formerly called *Upper Canada*, for the recovery of small debts, and to make other provisions therefor, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Thompson* took the Chair of the Committee.<sup>30</sup>

Mr. *Durand* shortly after the commencement of the discussion moved that the committee rise and sit again this day three months.<sup>31</sup>

This was supported by Messrs. *Merritt*, *Roblin*, *Thorburn*, *Cook* and a few others. These gentlemen stated that public opinion was entirely against the bill, that the people liked the present system of local commissioners with some amendments.<sup>32</sup>

Mr. *Hincks* thought the great objections entertained by the people were to the details of the present measure, to which he was also opposed, but he was happy to find that the

gentlemen opposite had consented to a most material alteration by conceding the jury clauses. He (Mr. H.) desired to give the people a system by which their disputes could be fairly settled by their neighbours, and he would rather they should have a jury of 5 neighbours at their discretion than commissioners who had always been badly appointed, and he feared would continue to be so. There was great difficulty in selecting men that would command public confidence. As the Judges of the District Court are also to be the Division Judges, there would be no increase of government patronage. The bill might not be perfect, but it would be improved hereafter, and at any rate it would at once sweep away all the present commissioners. The bill was to be only for 4 years, and if it did not give satisfaction would not be renewed. He (Mr. H.) had several amendments to propose to the details, but he would accept the bill as the best measure that could at present be procured.<sup>33</sup>

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and after some time spent therein,

Bill reported  
amended.

Mr. Speaker resumed the chair,

And Mr. *Thompson* reported that the Committee had gone through the Bill and made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

Order of day Com-  
mittee of whole on  
District Court Law of  
U. C. postponed.

The Order of the day for the House in Committee on the District Court Law of *Upper Canada*, as regards the payment of Judges and Clerks, being read,

*Ordered* — That the said Order of the day be postponed until to-morrow.

Order of the day for  
Committee of whole  
on purchasing private  
Stock of Welland  
Canal, postponed.

The Order of the day for the House in Committee to take into consideration the expediency of granting a sum of money to purchase the private shares in the *Welland Canal* being read,

*Ordered* — That the said Order of the day be postponed, until to-morrow.

Order of the day for  
Committee of whole  
on Mill dam Bill  
postponed.

The Order of the day for the House in Committee on the Bill to settle, by a more easy and less expensive mode than now by Law exists, the damages which have been, or may hereafter be, sustained by the Proprietors of Land overflowed by means of the erection of Mill Dams, being read,

*Ordered* — That the said Order of the day be postponed until to-morrow.

Then on motion of the Honourable Mr. *Viger*, seconded by Mr. *Baldwin*,

The House adjourned.

Footnotes — 29 July 1841.

1. EXAMINER, 4 August 1841.
2. IBID.
3. Accounts of this debate are found in : EXAMINER, 4, 11 August 1841 ; KINGSTON CHRONICLE,
- 4, 7 August 1841. Those in KINGSTON CHRONICLE and EXAMINER, 11 August 1841 are identical.
4. EXAMINER, 11 August 1841.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. EXAMINER, 4 August 1841.
15. EXAMINER, 11 August 1841.
16. A short commentary on the Trinity House bill is found in : LE CANADIEN, 16 August 1841.
17. Reports of this debate are found in : BRITISH COLONIST, 4 August 1841 ; ST. CATHARINES JOURNAL, 12 August 1841, copying from BRITISH COLONIST, 4 August 1841.
18. ST. CATHARINES JOURNAL, 12 August 1841, copied from BRITISH COLONIST, 4 August 1841.

19. IBID.

20. IBID.

21. IBID.

22. IBID.

23. A commentary on this matter is found in : LE CANADIEN, 16 August 1841.

24. The ensuing debate was reported in : EXAMINER, 4 August 1841 ; BRITISH COLONIST, 4 August 1841 ; ST. CATHARINES JOURNAL, 12 August 1841, copying from BRITISH COLONIST, 4 August 1841.

25. ST. CATHARINES JOURNAL, 12 August 1841, copied from BRITISH COLONIST, 4 August 1841.

26. EXAMINER, 4 August 1841.

27. IBID.

28. IBID.

29. IBID.

30. This debate was reported in : EXAMINER, 4 August 1841 ; BRITISH COLONIST, 4 August 1841 ; ST. CATHARINES JOURNAL, 12 August 1841, copied from BRITISH COLONIST, 4 August 1841. Two commentaries on the debate are given below, as well as a reconstructed report of it. BRITISH COLONIST, 4 August 1841 : "The debate on the bill in committee, it would not be very instructive to give, a disgraceful dialogue of personality and recrimination pervading it throughout. — Indeed to such a height was this indecent conduct carried, that the speaker was obliged to take the chair, and establish something of that decorum which is expected to prevail among an assembly of gentlemen. To say that he failed may be easily anticipated, and to say any more would be equally useless." The EXAMINER, 4 August 1841 : "On the division for the committee to rise, the opponents of the bill were left in a very small minority, and they afterwards with a few exceptions left the House. The details were discussed in a very thin house, but we are bound to state that **Mr. Draper** appeared willing to assent to all the reasonable suggestions offered. **Mr. Durand** wished to increase the jurisdiction of the court to £20, but it was argued that as it was an experiment, it would be better not, besides which it would require an entire alteration in the District Court law. **Mr. Durand** also wanted the court held once a month instead of once in two months. This was thought impracticable, but I am able to state pretty confidently that if on trial it is found possible to do so, the law will be amended."

31. EXAMINER, 4 August 1841.

32. IBID.

33. IBID.



**Friday, 30 July 1841.**

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*Petitions brought up.*

James McCrea  
and others.

Wm. Wheeler.  
Peter Row.

Jas. B. Ewart  
and others.

William Burton  
and others.

J. B. Milliette  
and others.

Bernard Smith  
and others.

John L. Alma.

George Nichols.  
John Carley.

Alfred Patrick.

Petition read.

*Petitions read.*  
Of John Reid and  
Robt. Shepherd.

Of Jas. George, Mo-  
derator of Presbyte-  
rian Synod.

Of Jos. L. Dowsley  
and others.

Of R. F. Gourlay.

Of Rev. Andrew  
Balfour.

Of Charles Bockus,  
and others.

The following Petitions were severally brought up and laid on the Table : —

By Mr. *Robertson*, the Petition of *James McCrea*, and others, Inhabitants of the *East* settlements in the Seignory of *Argenteuil*, County of the *Lake of Two Mountains*.

By Mr. *Duncomb*, the Petition of *William Wheeler*, of *Russelltown*, County of *Beauharnois*, and the Petition of *Peter Row* of *Russelltown*, County of *Beauharnois*.

By Mr. *Baldwin*, the Petition of *James B. Ewart*, and others, of the Townships of *West Flamborough*, *Beverly*, and other places.

By Mr. *Christie*, the Petition of *William Burton*, and others, freeholders and Inhabitants of the County of *Bonaventure*.

By Mr. *Morin*, the Petition of *Jean Baptiste Milliette*, and others, Inhabitants and Proprietors of the Parish of *Longue Pointe* and other places.

By Mr. *Watts*, the Petition of *Bernard Smith*, and others, Inhabitants of the second Range of the Township of *Durham*.

By Mr. *Thorburn*, the Petition of *John L. Alma*, late Returning Officer of the Town of *Niagara*,

By Mr. *Prince*, the Petition of *George Nichols*, of *Johnstown*, and the Petition of *John Carley*, of the Township of *Dunwich*, County of *Middlesex*.

By Mr. *Price*, the Petition of *Alfred Patrick*, stating that, for eleven years previous to the last, his average yearly pay as a Clerk in the Office of the late House of Assembly of *Upper Canada*, was £200 : and that last year it amounted only to £140 3 4 ; and praying that it may be increased to £200 for the past year.

On motion of Mr. *Price*, seconded by Mr. *Durand*,  
*Ordered* — That the said Petition be now read, and that the Rule of this House of the 28th of *June* last, be dispensed with as to the present Petition.

The said Petition was read accordingly.

Pursuant to the Order of the day the following Petitions were read :

Of *John Reid*, and *Robert Shepperd*, of *Brockville*, praying that the Legislative Assembly will cause to be paid to them the amount of their claim as contractors for Locks and excavations on the *Saint Lawrence Canal*, against the Commissioners of the said Canal.

Of *James George*, Moderator of the Synod of the *Presbyterian Church of Canada*, in behalf of the said Church, praying that an enactment be made for the use of the Bible in all the Schools in this Province.

Of *Joseph L. Dowsley*, and others, Inhabitants of the Township of *Escott* praying to be separated from the Township of *Yonge* for all local purposes.

Of *Robert F. Gourlay*, of *Kingston*, complaining of losses sustained by him at the hands of the Executive Government of *Upper Canada*, and praying relief.

Of the Reverend *Andrew Balfour*, of the Township of *Waterloo*, County of *Shefford*, praying for an aid for a School.

Of *Charles Bockus*, Esquire, and others, Freeholders and Inhabitants of the Township of *Hallowell*, praying that the Bill for repealing the

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Laws now in force for the recovery of small debts, now before the House may not be passed.

Petition of Alfred Patrick referred to Committee on Contingencies.

On motion of Mr. Price, seconded by Mr. Durand,

*Ordered* — That the Petition of *Alfred Patrick*, be referred to the Special Committee on the Contingent accounts and expenses of the present Session.

Petition of H. Roblinson and others, of Shefford, referred to Select Committee.

On motion of Mr. Foster, seconded by Mr. Moore,

*Ordered* — That the Petition of *H. Robinson* and others, of the County of *Shefford*, praying to be united to the Fire Assurance Company of the Counties of *Stanstead* and *Sherbrooke*, be referred to the select Committee to which was referred the Petition of *James Millar*, and others.

Petition of W. W. Baldwin and others referred.

On motion of Mr. Small, seconded by Mr. Price,

*Ordered* — That the Petition of *W. W. Baldwin*, and others, of the County of *York* and City of *Toronto*, presented to the House on the 30th of *June* last, be referred to the Special Committee to which was referred the Petition of *Peter Leppard*, of *East Gwillimbury*, *Home District*.

Petition of John Reid and Robert Shepherd of Brockville, referred.

*Resolved* — That the Petition of *John Reid* and *Robert Shepherd*, of *Brockville*, be referred to a Committee of five Members to examine the contents thereof and report thereon, with all convenient speed; with power to send for persons, papers, and records.

*Ordered* — That Mr. *Morris*, Mr. *Sherwood*, Mr. *Merrit*, the Honourable Mr. *Harrison*, and the Honourable Mr. *Killaly*, do compose the said Committee.

On motion of Mr. Powell, seconded by Mr. Thompson,

Petitions of divers Inhabitants of *Oakland*, of *Samuel Garnsey* & others, and of *James Covernton* and others referred to Committee of whole, on Wednesday next.

*Ordered*. — That the Petitions of divers inhabitants of the Township of *Oakland*, presented to the House on the 22nd of *June* last, of *Samuel Garnsey*, and others, inhabitants of the Township of *Bayham*, and of *James Covernton* and others, Magistrates and inhabitants of the District of *Talbot*, presented to the House on the 5th instant, be referred to a Committee of the whole House on *Wednesday* next.

Committee to prepare and report Statements of the grounds on which the Bill for presenting failure of Justice at Elections, was founded, presents report.

Sir *Allan MacNab*, from the Special Committee to which was referred the Message from the Honourable the Legislative Council, of the 21st instant, relating, to the Bill intituled "*An Act for preventing any failure of justice in respect of complaints of undue elections or Returns of Members of the Legislative Assembly of this Province at the last general election*," with instructions to prepare and report with all convenient speed, a statement of the grounds upon which this House proceeded in passing the said Bill, presented to the House the report of the said Committee, which was again read at the Clerk's Table, and agreed to by the House, and is as followeth : —

Report.

"The grounds and evidence upon which your Honourable House proceeded in passing the said Bill were derived, some of them, from the records of the Imperial Parliament, some from those of the Provincial Parliament of *Lower Canada*, some from the Journals of your own House, some from public notoriety, and others from the information of those Honourable Members who had charge of the several Petitions referred to in the said Bill, and who had presented such Petitions to your Honourable House; and that such grounds and evidence were as followeth : —

That certain Acts of the Provincial Parliament of the late Province of *Lower Canada*, to regulate the trial of contested elections in that Province, were, by an Act of the said Provincial Parliament, passed in the 4th. year of the Reign of His late Majesty King *WILLIAM* the Fourth, continued until the first day of *May*, one thousand eight hundred and thirty six and thence, until the end of the then next session

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Report.

of the Provincial Legislature, and no longer; that after the said first day of *May*, in the year aforesaid, the Provincial Parliament of the said Province was duly convened by Royal Proclamation on two several occasions at the City of *Quebec* in that Province, and on each of those occasions continued sitting for several days, and was, on both occasions, duly prorogued; on the first, by the representative of the Sovereign in person, and on the second, by Royal Proclamation: that as well in common parlance, as in the published Journals of both Houses of the said Provincial Parliament; in one of the speeches from the Throne delivered to such Parliament; in the addresses of both Houses to the Governor General; in the Journals of the Imperial House of Commons, and in the official correspondence of the secretary of state for the colonies, in reference to the proceedings at such meetings, the said meetings were called and spoken of as sessions of the said Provincial Legislature. — That in consequence of the said Acts to regulate the trial of such contested elections not having been further continued by any Legislative enactment made at either of the said meetings, such Acts had, in the common estimation of the Public, been looked upon and esteemed as having expired, and as being no longer in force at the time of the passing of the Act of the Imperial Parliament for suspending the constitution of the said Province of *Lower Canada*, and that consequently the said Acts were not continued by the Provisions of the Act of the Imperial Parliament for reuniting the Provinces of *Lower* and *Upper Canada*; an impression strengthened by the circumstance of the Special Council having deemed it expedient to pass an Ordinance for continuing an Act of the Parliament of *Lower Canada*, which had a similar tendency to that of the Acts before mentioned. — That in consequence of there having been no Act of the Provincial Parliament passed, nor any judgment given at either of the said meetings it has been deemed by Your Honourable House that the said meetings, were not either of them sessions of the Provincial Legislature, within the meaning of the Legislative provision for continuing such Acts, and that consequently the same are in force at this day.

That the Petitions referred to in the said Bill, although unaccompanied with the formalities required by those Acts, were, during the early part of the present session, received by Your Honourable House without the circumstance of the said Acts being still in force having been brought under the consideration of Your Honourable House. — That those petitions contain allegations of the occurrence of outrages of the most aggravated and atrocious character, which, if true, are not only most injurious to the peace of the country, but destructive of the character of Your Honourable House as being a true representative of the people.

That in consequence of the said Petitions having been so received, the Petitioners were left under the misapprehension that the said Acts were not in force, and Your Honourable House not having come to a contrary decision until after the period of presenting such Petitions according to the said Acts, the Petitioners were thus deprived of the opportunity of presenting new Petitions accompanied with the proper formalities, which they might have done, had Your Honourable House rejected those said Petitions in the first instance as not complying with those Acts.

That from the want of such formalities, Your Honourable House, without such authority as is provided by the said Bill, is precluded from proceeding upon the said Petitions under the provisions of the said Act, a course which, from the protection it affords to the sitting Members from unfounded complaints, is more beneficial to them than to any other."

Report, with copies of Petitions referred to, to be communicated to the Legislative Council.

On motion of Sir *Allan McNab*, seconded by Mr. *Neilson*,  
*Ordered* — That the report of the Special Committee to which was referred the Message from the Honourable the Legislative Council of



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the 21st instant, relating to the Bill intituled "*An Act for preventing the failure of justice in respect of complaints of undue elections or returns of Members of the Legislative Assembly of this Province at the last General Election,*" together with copies of the several Petitions therein referred to, be communicated, by Message, to the Honourable the Legislative Council.

*Ordered* — That Sir Allan McNab do carry the said Message to the Legislative Council.

Mr. Durand, from the Special Committee, to which was referred the Bill to repeal a certain Section of an Act of the Legislature of *Upper Canada*, relative to macadamized roads, reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Monday* next.

Mr. Morris, from the Special Committee appointed to superintend the Printing of this House during the present Session, with power to report from time to time, presented to the House the third report of the said Committee, which was again read at the Clerk's table, as followeth : —

"Your Committee having fully considered the subject matter of their second report, which was, by Your Honourable House, referred back for consideration, have now to state, that nothing has been elicited to induce Your Committee to believe that a combination existed between the Printers, or that the prices at which the Printing is offered to be performed is excessive. Your Committee have therefore respectfully to recommend that the daily printing of Your Honourable House, together with the printing of the Journals and Appendices of the present Session, be given to Messrs. *Desbarats & Cary*, who have tendered for the work at the following prices : —

Daily Printing in the *English* language, per 1000 Ems, 2s 6d.

Do. in the *French* language, per 1000 Ems, 2s 9d.

Journals and Appendices in the *English* and *French* languages, per 1000 Ems, 2s. 3d.

Your Committee have also to report that *Richard Brewer* has offered to bind the Journals and Appendices of the Legislative Assembly, at three shillings per volume of not more than 550 pages, and three pence per volume for every additional fifty pages ; and the price, in the opinion of Your Committee, being exceedingly moderate, the tender is humbly recommended for the adoption of Your Honourable House.

*Ordered* — That the said report be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Cameron took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Cameron reported, that the Committee had come to several Resolutions, which he was directed to submit to the House whenever it shall be pleased to receive the same.

*Ordered* — That the report be received on *Monday* next.

The Honorable S. B. Harrison presented, pursuant to an Address of the House of Assembly of the 19th instant, a return on the subject of the Court of Chancery of the Province of *Upper Canada*.

For the said Return, see Appendix (P.)

And also, pursuant to an Address of the 20th instant, a return on

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the subject of the Loans made by the Government to the *Cobourg, Port Hope* and *Oakville* Harbour Companies.

For the said Return, see Appendix (Q.)

Macadamized Road  
Bill reported  
amended.

Bill referred to  
Committee of whole  
on Monday next.

Committee on printing  
present 3rd report.

Report.

House goes into  
Committee of whole  
on Report.

Several Resolutions  
reported and to be  
received on Monday  
next.

Return, Court of  
Chancery.

Return from H. E.  
of Loans to certain  
Companies.

Leave of absence to Mr. Prince and Mr. Chesley.

*Ordered* — That Mr. *Prince* have leave to absent himself from this House during eight days from *Monday* next, on urgent business.

*Ordered* — That Mr. *Chesley* have leave to absent himself from this House during the six days from *Monday* next, on urgent business.

Order for Committee of whole on Dalhousie Court House Bill, revived.

On motion of Mr. *Derbshire*, seconded by Mr. *Johnston*,  
*Ordered* — That the Order of the day for the House in Committee on the Bill to authorize a further loan to complete the building of the Court House and Gaol for the intended District of *Dalhousie*, lost by the adjournment of the House of *Wednesday* last, be revived, and that this House will, on *Monday* next, resolve itself into the said Committee.

House to adjourn till Monday.

*Ordered* — That when this House doth adjourn, it will adjourn until *Monday* next.

On motion of the Honourable Mr. *Harrison*, seconded by Mr. *Boswell*,

2nd reading Court of Chancery bill on Tuesday next.

*Ordered* — That the engrossed Bill from the Legislative Council, intituled "*An Act to explain and amend an Act passed in the Provincial Parliament of Upper Canada, in the seventh year of the Reign of King WILLIAM the Fourth, intituled 'An Act to establish a Court of Chancery in this Province,' and to render more effectual the said 'Court,'*" be read a second time on *Tuesday* next.

House to go into Com. of whole on report on Clerk's office, on Monday next.

Sir *Allan McNab* moved, seconded by Mr. *Simpson*,  
 That the Order of the day for the House in Committee on the first report of the Special Committee, appointed to inquire what assistance it will be necessary to afford to the Clerk, and what offices and departments it will be expedient to establish for the effective and orderly conduct of the business of this House, lost by the adjournment of the House of *Monday* last, be revived, and that this House do now resolve itself into the said Committee.

The Honourable Mr. *Viger* moved in amendment, seconded by the Honourable Mr. *Harrison*,

That the word "now" be struck out of the said motion, and the words "*Monday* next" be substituted.

The question having been put upon the motion of amendment, a division ensued, and it was carried in the affirmative.

The question being then put upon the main motion, as amended, it was agreed to unanimously, and —

*Resolved*, accordingly.

Report of Commissioner on Steam Dredge presented.

The Honourable *S. B. Harrison*, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General, the Report of the Commissioner of the Provincial Steam Dredging Machine, pursuant to the *Upper Canada* Statutes of the 5th WILL. IV, Cap. 30, and 6th WILL. IV., Cap. 46.

For the said Report, see Appendix (R.)

Report referred.

*Resolved* — That the said Report be referred to a Committee of five members, to report thereon with all convenient speed, by Bill or otherwise, with power to send for persons, papers and records.

Committee formed.

*Ordered* — That Mr. *Thorburn*, Mr. *Williams*, the Honourable Mr. *Killaly*, Mr. *Small*, and Mr. *Merritt*, do compose the said Committee.  
 Mr. *Simpson* moved, seconded by Mr. *Hincks*,

That the Order of the day for the House in Committee, to consider

Order of day revived and House to go into Com. on rules on Wednesday next.

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the expediency of altering, rescinding or amending, any of the Rules of this House, lost by the adjournment of the House of *Friday*, the 16th instant, be revived, and that this House will, on *Wednesday* next, resolve itself into the said Committee.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative.

*Ordered*, accordingly.

Justices convictions  
& fines Bill reported  
amended, and  
agreed to.

Mr. *Powell*, from the Committee of the whole House on the Bill to require Justices of the Peace to make returns of convictions and fines, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

*Ordered* — That the said Bill, as amended, be engrossed.

Small debts Bill  
reported amended.

Mr. *Holmes*, from the Committee of the whole House on the Bill to repeal the Laws now in force in that part of this Province formerly called *Upper Canada*, for the recovery of small debts, and to make other provisions therefor, reported, according to Order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table.

*Ordered* — That the question of concurrence be now separately put upon the said amendments.

1st to 29th amend-  
ment agreed to.

And the 1st to the 29th of the said amendments, inclusive, being again severally read, and the question of concurrence being separately put thereon, they were agreed to.

30th amendment read.  
Amendment proposed.

The 30th of the said amendments being read,

Mr. *Hincks* moved, seconded by Mr. *Price*,

That the words "five pounds" be struck out of the said amendment, and the words "fifty shillings" substituted.<sup>1</sup>

He ((Mr. *Hincks*)) had, he said, supported the principle of the bill, but it was solely on the ground that the jury clauses would be satisfied, that without them, the people would not be satisfied.<sup>2</sup>

Mr. *Secretary Harrison* stated that he would cheerfully consent to the alteration: he thought it might tend to give greater confidence to the Court.<sup>3</sup>

((Mr.)) *Parke* ((was)) pro — <sup>4</sup>

Mr. *J.S. Macdonald* was opposed to the amendment, because he thought the majority of cases were between £2 10 0 and £5 and it would take away from the jurisdiction of the judge.<sup>5</sup>

Mr. *Smail* also opposed the amendment: he thought if a Judge could not decide in all cases under £5, there had better be no Courts at all.<sup>6</sup>

Sir *Allan MacNab* was entirely opposed to the alteration.<sup>7</sup>

Mr. *Hincks* said, that if the principle were a good one for sums over £ 5, it was equally good for sums under that amount. The argument of the honorable member for Glengarry (Mr. McDonald) only made him more determined to press his amendment; for if the majority of cases were between £50 and £5, he would like to protect the people by giving them juries. If the Judges gave satisfaction, there would be no juries required by the suitors.<sup>8</sup>

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Division on motion.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth: —

YEAS.

<i>Baldwin,</i>	<i>Foster,</i>	<i>Parke,</i>	<i>Thompson,</i>
<i>Boswell,</i>	<i>Harrison,</i>	<i>Hon. S.B. Powell,</i>	<i>Thornburn,</i>
<i>Cameron,</i>	<i>Hincks,</i>	<i>Price,</i>	<i>Viger, Hon. D.B.</i>
<i>Cartwright,</i>	<i>Holmes,</i>	<i>Roblin,</i>	<i>Watts,</i>
<i>Daly, Hon. D.</i>	<i>Johnston,</i>	<i>Simpson,</i>	<i>Williams,</i>
<i>Dunscomb,</i>	<i>Merritt,</i>	<i>Steele,</i>	<i>Woods. — 26.</i>
<i>Durand,</i>	<i>Parent,</i>		



NOES.

<i>Armstrong,</i>	<i>Cook,</i>	<i>McLean,</i>	<i>Ruel,</i>
<i>Berthelot,</i>	<i>Hale,</i>	<i>Moore,</i>	<i>Small,</i>
<i>Burnet,</i>	<i>MacNab, Sir A.N.</i>	<i>Morin,</i>	<i>Taschereau,</i>
<i>Chesley,</i>	<i>McDonald, (Glen.)</i>	<i>Morris,</i>	<i>Yule. — 16.</i>

Amendment carried.

The residue of the amendments agreed to.

So it was carried in the affirmative.

The residue of the said amendments being again severally read, and the question of concurrence being separately put thereon, they were agreed to, and —

*Resolved* — That this House doth concur with the Committee in the said amendments.

Bill to be engrossed and read 3rd time on Tuesday next.

*Ordered* — That the said Bill, as amended, be engrossed and read for the third time on *Tuesday* next.

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Militia Bill read 2nd time and referred to Committee on Monday next.

A Bill to amend the Militia Law of that part of the Province formerly constituting the Province of *Upper Canada*, was, according to Order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Monday* next.

House goes into Committee of whole on petition of Felix Lussier and others.

The order of the day for the House in Committee on the Report of the Special Committee, to which was referred the Petition of *Felix Lussier*, Esquire, and others, proprietors and inhabitants of the County of *Verchères*, and other references, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Quesnel* took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Resolution reported and agreed to.

And Mr. *Quesnel* reported, that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth : —

*Resolved* — That it is expedient to amend the Act of the Legislature of *Lower Canada*, relative to the establishment of Mutual Fire Insurance Companies, and to extend the powers of the said Companies.

Mutual Fire Insurance Bill brought in and read.

*Ordered* — That the Honorable Mr. *Viger* have leave to bring in a Bill to amend an Act of the Legislature of *Lower Canada*, relative to the establishment of Mutual Fire Insurance Companies.

He accordingly presented the said Bill to the House, and the same was received and read the first time.

Second reading on Monday next.

*Ordered* — That the Bill be read a second time on Monday next.

House goes into Committee on Warehousing Bill.

The Order of the day for the House in Committee on the Bill to extend the benefit of the warehousing system established by a certain Act of the Imperial Parliament, passed in the Session held in the 3d and 4th years of His late Majesty's reign, to duties imposed by Provincial Acts, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Barthe* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Bill reported amended.

And Mr. *Barthe* reported, that the Committee had gone through the Bill, and had made an amendment thereto, which amendment was again read at the Clerk's Table, and agreed to by the House.

Bill to be engrossed.

*Ordered* — That the said Bill, as amended, be engrossed.

House goes into Committee on Report on Currency and Banking.

The Order of the day for the House in Committee on the First Report of the Special Committee on Currency and Banking, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Morin* took the chair of the Committee.<sup>9</sup>

**Mr. Holmes** introduced these resolutions<sup>10</sup> with a lucid speech, shewing the injury that had been long sustained by the commercial community, owing to the derangement of the currency in both sections of the Province, and the necessity for an assimilation (sic). He was opposed to every thing like protection to the Banks, and in favour of a sound currency, of equal value to that in the adjoining States.<sup>11</sup> The proceedings of the Legislature of Upper Canada had raised the British coin to 12½ per cent above its real value, while the proposed Bill tended to an assimilation of the currency within the Province and with the United States.<sup>12</sup>

**Mr. Cartwright** regretted much that so much apathy should be evinced on this very important subject. He was surprised that the benches should be almost empty. The honorable and learned gentleman gave an interesting account of the origin of Banking institutions in Canada, and pointed out the impropriety of tampering with the currency. Mr. Cartwright did not offer any amendment to the resolutions; but it was evident that he was in favour of the British shilling being retained at its present value.<sup>13</sup>

**Mr. Hincks** concurred with the hon. and learned member in regretting that the house should be so thinly attended on a question so deeply interesting to the community. He was as unwilling as that hon. gentleman to tamper with the currency and as ready to admit the impropriety of doing so, — the currency, however, had been already most unfortunately tampered with by the Parliament of Upper Canada, and as it was on all hands admitted that an assimilation must take place on the standard in both sections of the province, it became a question whether that standard should be sound or depreciated. The act giving a fictitious value to British silver coins was in his (Mr. Hinck's) opinion a most fatal error. The real standard of value in Canada was the silver dollar, and a more convenient one could not be found. — Where the Halifax currency was established it was evidently desired to retain the British money of account, viz. pounds, shillings and pence, but as the circulating medium was the silver dollar and its parts, the pound Halifax was fixed at four dollars, so that the shilling was exactly one fifth part of the dollar. At this time the silver dollar was worth 4s 6d sterling, which is to this day our nominal par of exchange. Since that time the silver dollar has been reduced in value, and is now worth only 4s 2d sterling, so that the real par of exchange is 8 per cent premium. The Legislature of Upper Canada, without altering the standard, gave a fictitious value to the British shilling, fixing it at a rate equal to 12½ per cent premium. — Thus, though a dollar in England was worth 4s 2d, we attempted by act of Parliament to make it worth only 4s. Now, the effect of this has been exactly what might have been anticipated. The silver dollars have all left the country, and our Exchanges have been regulated by the British shilling. But the absurdity of the enactment must appear still greater when it was recollected that the British shilling is itself only a token in England, and not worth intrinsically more than about 11d. The people in England were protected from this depreciated coin, 1st, by its being only a legal tender to a very small amount; 2d, by the precaution taken to prevent an excess of coinage, the mint being limited to a certain amount, viz., that absolutely necessary to supply the circulating medium. These guards have not existed in Canada. British silver has been a legal tender to an unlimited amount, and the mint supply, although it produces no effect on the circulating medium, is sufficient to enable the Canada Banks to import what supplies the whole currency of this country, and regulates our exchanges. The consequence is, that there is no certainty whatever as to the rate of exchange. The Banks have it in their power to charge much higher than they have done, as Exchange might rise to 15 per cent before British silver could be exported even assuming that it could be parted with at its nominal value in England, and this it is notorious could not be done in large amounts. The object of depreciating the currency was to protect the Banks, but this he (Mr. Hincks) held to be a palpable fallacy. He maintained, and he spoke under the correction of the hon. mem. for Montreal (Mr. Holmes) that the sounder the currency the more extensive would be the circulation of Bank paper — (hear, hear.) — It was most erroneous to imagine that by legislative enactments, we could prevent the regular return of Bank notes for redemption. The great danger apprehended was from the United States. Now, he (Mr. Hincks) would shew how preposterous it was to imagine that we could prevent demands from that quarter by legislative enactments. We purchase largely in the United States, particularly agricultural produce. This is, in a great measure, paid for in Bank notes, which of course find their way back for redemption. They come into the hands of the Buffalo, and Cleveland, and Rochester brokers, who buy them at rates proportionate to the value of coin, and exchange in Canada. The Bank of Upper Canada had parted with 12000 sovereigns this spring; (besides a large amount of exchange), at 25s. 6d. each, in payment of its notes. Now, the brokers in the United

States bought Canada bills exactly at such rates as would enable them to realize a profit, getting sovereigns at the Bank price. This rate was latterly about six per cent. If we raised the value of our sovereigns to \$6 instead of \$5, it would only depreciate our paper, without protecting the Banks in the slightest degree, except in so far as it would enable them to charge exactly what they pleased for exchanges, and thus deprive us of the advantage of a paper currency convertible (sic) into bullion on demand. Having endeavoured to point out the disadvantages of a depreciated currency, to which the large majority of the committee were entirely opposed, he would offer a few observations on the standard of value. After mature consideration, it was not thought prudent by the committee to adopt Sterling money as the money of account. Many objections were made to it : amongst others, one in which he (Mr. Hincks) did not concur, viz. : That it would involve the necessity of a gold standard — the British sovereign, there being no British silver coin, except tokens. It being determined on, for many reasons, to adhere to our present currency, it appeared obvious that no standard could be better than the silver dollar, a coin current throughout the whole civilized world. This, then, had been adopted as our standard, and all gold and Foreign silver had been fixed at their intrinsic value, measured by the silver dollar. It is proposed in the bill, that the value of these coins should be similar to what it is in the United States. He (Mr. Hincks) was decidedly of opinion that the dollar and its parts should be the sole standard of value, as he considered it a fallacy to attempt, by legislative enactment, to have more than one standard. In England, the gold sovereign alone was a legal tender : and he would have been desirous to have carried out the same principle in this Province. But in the United States they had most erroneously in his (Mr. H's.) opinion adopted several standards, and as our Banks are compelled to obtain their supplies of specie from that country, it was thought advisable to put the currency on the same footing. He (Mr. H.) would therefore defer to the opinions of the majority of the committee, the members of which were gentlemen of great experience in such matters, and the more readily as the coins were all fixed at such rates that no inconvenience could result to the public. As to the British silver coins, it was desirable to retain them in the country, as their real value could not be fixed on them without subjecting the public to great inconvenience. It had been proposed to continue their value at 1s. 3d and 7½d, and make them a legal tender only to the extent of 40s, and he (Mr. H.) had at one time thought that this might be safely done ; but it would be recollected that there was a large amount, say £100,000 of such coin in the province, and the consequence would be that the Banks would pay them out and they would ((go)) into the hands of small dealers who would not be able to make use of them at their nominal value. On the whole therefore it was better to fix them at such a rate, say 1 2d & 7d. as would drive them out of the country when their place would be supplied by the American quarters, dimes and half dimes which would be much more in accordance with our standard. — He had troubled the committee with these observations on a subject of paramount importance and one in which the greatest interest was taken by the public in both sections of the Province and more particularly by the commercial community.<sup>14</sup>

**Mr. Harrison** said it had been considered in select committee, whether it would be better to give preference to British currency or to that of the States — our proximity to and numerous transactions with the latter, decided in favour of it.<sup>15</sup>

The committee was subsequently addressed by... **Mr. Simpson** and the hon. **Mr. Moffatt** in support of the resolutions.<sup>16</sup>

**Mr. Buchanan** thought that no party would be found to object to making uniform the currency in Upper and Lower Canada, nor to the repeal of all the existing monetary regulations of both provinces as the most convenient means to that end. He therefore would offer no objection to the present bill being introduced into the house ; but at the proper time he would oppose its details ; as by exactly assimilating our currency in value to that of the United States, the bill subjects this province to be legislated for on this vital subject by the neighbouring Republic, and exposes us to all the inconvenience of all the changes in the money market of that country. He contended that unless the Sovereign, (the coin, which in practice, is to be the standard of value) be put at 24s. 6d. as its value laid down in Canada instead of as proposed at 24s. 3d. its legal value in New York, a traffic in specie would be created between the countries at the expense of, and otherwise detrimental to this Province. He did not mean to hold that this country (as being the debtor) could in any way avoid a loss equivalent to the expense of bringing in specie ; all he desired to attain was that we should avoid the actual transportation of specie from the one country to the



other as the general rule, because while exposed to a perpetual drain of specie our provincial circulation could not (situated as we are), be otherwise than limited and feverish in the extreme. The effects on the country would be very disastrous. Reduced competition in the purchase of grain would tend to reduce its price, and a great restriction in Bank accommodation to the trade world, by putting down competition, put up the prices of all kinds of imported merchandize. He would advocate the nominal depreciation of 3d on the sovereign, as this would not be so great a loss to the country as must be incurred by employing agents in New York to buy specie, and carriers to bring it into Canada, especially during winter. Our Banks would gain by the depreciation instead of the foreigner and would thus be enabled to get for drafts on New York a small premium sufficient to bring back any specie that they may pay out. The Banks would therefore issue their notes freely, as even in case of a drain of specie occurring, they would be liable only to its inconvenience but not to any positive loss by the transaction. He wished also to make the colony sure of a supply of small change by continuing the value of the English shilling at 1s. 3d., but he considered it not material to however small an amount it should be declared to by a legal tender.<sup>17</sup>

**Mr. Thorburn** proposed that the report should be laid upon the table to give the people time to deliberate upon it. He was also anxious to prevent the loss from depreciation from falling on the poor.<sup>18</sup>

**Mr. Simpson** expressed the same considerate feeling.<sup>19</sup>

The resolutions were adopted without a division, and **Mr. Cartwright** then moved seconded by **Mr. Thorburn**. That the several coins heretofore current by law in this Province at a certain rate which are not maintained by the present contemplated alteration, should be called in, and that the actual expense of such calling in & of receiving the same be borne by this Province and that the same be called in within — months after the passing of the said act.<sup>20</sup>

This gave rise to a long discussion. It was on the same hand contended that the faith of the public was pledged to the present value of the coins, while on the other hand it was agreed that a government was only bound to call in coin of its own coinage. If the principle of the resolution were admitted we should have to redeem all the French coin on this or the European continent, and the country would be flooded with British silver sent out from England for redemption at our expense. It was also urged that the Banks had obtained the profit on the silver when it was raised by the former act....<sup>21</sup>

**Mr. Secretary Harrison** observed that the Banks had a long account to settle with the public for their profits on Bank issues for many years.<sup>22</sup>

**Mr. Durand** said that he had opposed the currency bill when it (sic) was introduced in 1836, believing that it was founded on a most erroneous principle. The bill however was for a limited time, and the Bank had therefore no right to expect its renewal and should not have imported too largely.<sup>23</sup>

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and after some time spent therein,

Several Resolutions reported.

1st. Resolution.

Mr. Speaker resumed the chair,

And **Mr. Morin**, reported that the Committee had come to several Resolutions, which Resolutions were again read at the Clerk's Table, and agreed to by the House, and are as followeth : —

*Resolved* — That it is expedient to repeal the separate Acts now in force in the several portions of this Province for regulating the rates at which certain Coins pass current therein, and to ascertain what Coins shall pass current, and the values at which they shall so pass, by one Law, common to the whole Province.

*Resolved* — That it is expedient that the rates at which all Gold Coins, and also all Foreign Silver Coins, shall pass current, should be

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proportionate to their intrinsic value, and that the standard should be the Silver Dollar, four of which shall be equal to one pound, currency.

3rd. Resolution.

*Resolved* — That *British Silver Coin* should pass current at rates proportionate to their nominal value.

Currency Bill brought in and read 1st. time.

*Ordered* — That Mr. *Holmes*, have leave to bring in a Bill to regulate the currency of this Province.

He accordingly presented the said Bill to the House, and the same was received and read the first time.<sup>24</sup>

2nd Reading on Wednesday next.

*Ordered* — That the said Bill be read a second time on *Wednesday* next.

House goes into Committee on Road Act of 50. Geo. 3rd.

The Order of the day for the House in Committee to consider the expediency of amending the Road Act of the 50th GEO. 3, Cap. 1. of the late Province of *Upper Canada*, being read,

The House accordingly resolved itself into the said Committee,

Mr. *Prince*, took the chair of the Committee, and after some time spent therein,<sup>25</sup>

A Resolution reported.

Mr. Speaker resumed the chair,

And Mr. *Prince*, reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's Table, and agreed to by the House, and is as followeth : —

Resolution.

*Resolved* — That it is expedient to alter and amend an Act passed in the 50th year of GEO. 3, Cap. 1, relating to the laying out, amending and keeping in repair, the public highways in the Province heretofore called *Upper Canada*, by altering the mode of serving and affixing notices of alterations in Roads or Highways.

The house concurring in the report, **Col. Prince** took the opportunity of expressing his personal acknowledgments to the member for Carlton for the introduction of so useful a measure. As a landholder he had reason to complain bitterly of the hole and corner system that had prevailed hitherto ; lands having been got up, and roads forked out, without any notice whatever, having been given to the proprietors of the soil.<sup>26</sup>

**Mr. Baldwin** would like to see the Surveyors paid by the inhabitants themselves. Where roads passed *sub silentio*, they were paid out of the District Treasury.<sup>27</sup>

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Road Act amendment Bill brought in and read.

*Ordered* — That Mr. *Johnston*, have leave to bring in a Bill to alter and amend an Act of the Legislature of *Upper Canada*, intituled "*An Act to provide for the laying out, amending, and keeping in repair, the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose.*"

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Second reading Friday next.

*Ordered* — That the said Bill be read a second time on *Friday* next.

Order of day for Committee of whole on Bill (N. A. C. Association of Ireland) postponed.

The Order of the day for the House in Committee on the Bill to authorize the *North American Colonial Association of Ireland*, to loan moneys, and to prosecute certain works in the County of *Beauharnois*, being read,

*Ordered* — That the said Order of the day be postponed until *Wednesday* next.

House goes into Committee on Ballot Bill.

The Order of the day for the House in Committee on the Bill to authorize the voting by Ballot, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Johnston*, took the chair of the Committee,<sup>28</sup>

**Mr. Small** said, in rising to propose the adoption of the first enacting clause of this bill, he would not detain the committee with any lengthened remarks upon it. The principle of voting by ballot had been discussed in almost every session of the Upper Canada legislature for the last ten or fifteen years.<sup>29</sup> The hon. and learned member, read from the Journals of 1835 and 1836, showing at those periods, large majorities had declared in favour of it.<sup>30</sup> The Bill had passed the House of Assembly three or four times, and had as often been

rejected by the Legislative Council. The argument generally used in opposition to the measure was that it is republican, and that it was a disgrace to come to the polls and give a secret vote. This latter circumstance, however, of its being a secret vote was the very thing which in his estimation recommended it, because in that very secrecy lay the security. It is calculated to render security to the poor voter, to the tradesman, the mechanic, from the oppression of those who are able to exercise a strong control over him. He Mr. Small had witnessed the ill effects of the open system of voting as practiced in this province. The present system was one which he believed was loudly called for by a large majority of the people of Upper Canada. He had no desire, however, to press forward the measure at present until we see what sort of election law we shall get. (Hear, hear.) But he wished it to be particularly understood that he did not abandon the principle, and he would now take the sense of the committee on the principle of the bill by moving for the adoption of the first enacting clause.<sup>31</sup>

**Col. Prince** said if this measure had been introduced by any other than a countryman of his own, he would have felt less astonishment. But that an Englishman in an English province should have the temerity to bring forward a measure so completely hostile to British institutions, was a matter not only of astonishment but of regret. The speech of the hon. and learned gentleman has been brief, because he finds that he has leaned upon a broken reed. But brief as the speech of the hon. gentleman has been, mine shall be still more brief. I admit that in the old country the vote by ballot may in some cases be useful, but I am not prepared to say that it is that system of voting at elections which I would vote for; but I am prepared to say that if there is a country in the world where the lower class who possess votes are under the all powerful influence of the wealthy, it is in England. But does this observation apply to this country? Certainly not. Are we so dependant, so ignoble, as to be controlled in the exercise of our franchise? I trust we are not. — Does not this broad, expansive, this beautiful, this fertile country, afford to every human being who is able to raise the hatchet upon his shoulders a sufficient independence? (No.) I say that every man who possesses health and strength may, if he choose, be as independent as the lord of the land. (Hear, hear.) Yes, the backwoodsman of Canada is far more independent than the office holder who relies upon the fleeting fancies of the popular will for his continuance in office. I will never acknowledge that the Canadian freeholder has any necessity for resorting to this underhand mode of giving his vote; no, he may go boldly to the hustings, and defy any human being to injure him if he gives an honest vote. You may talk of Executive influence, but I say if any one allows such influence to be exercised over him he is ignoble. (Hear, hear.) I am aware that in a country where a man is dependant upon a rich, powerful, and sometimes tyrannical landlord, and in manufacturing districts they are sometimes constrained to vote according to the wishes of their employers. There may, therefore, be some reason for adopting the vote by ballot in those countries, but I deny that this applies to Canada. The practice is not British — it is anti-British; and I lament exceedingly that the measure should have been introduced into this house by a countryman of my own. Viewing it in this light as anti-British, and as being inapplicable to this country, I will not allow any part of the bill to be adopted with my concurrence. I look upon it as an insult to the freeholders of Upper Canada. I will therefore move that the committee rise.<sup>32</sup>

**Mr. Price** rose and said it was not his intention to detain the committee with any lengthy remarks, he was called up however, by the remarks of his friend and countryman, the hon. and learned gentleman from Essex, who states that the system of voting by ballot is anti-British. It is a matter of little consequence to this committee whether it be Anti-British, if it be calculated to secure the rights of British subjects; and it is a singular mode of reasoning to say that it is anti-British when in almost every institution in England, it is in use except in the election of members of Parliament; and even in the election of the Scotch and Irish Peers it is practiced, and in choosing committees in the British House of Commons it is also practiced. Now this being the case it cannot be so very anti-British if members were to be elected in the same way. — With regard to individuals not having the moral courage to come up to the polls and vote openly, that is evidence of cowardice on the part of voters. But will not hon. members admit that there are both direct and indirect causes which influence voters, and which in many cases compel them to vote against their conscience? He (Mr. Price) would put the case of a man of family perfectly independent in his own mind, but somewhat embarrassed, as many people are, and that the sheriff has an execution hanging over his head without exercising any other than the legitimate power which he possesses, yet the very knowledge, that he has the power of putting him to great inconvenience will operate materially upon the vote he



gives. This of itself is a sufficient consideration to induce this house to adopt some mode of relief to those who have the misfortune to be similarly situated, and the number is not small. At the election of the city of Toronto the Sheriff was himself a candidate in opposition to his hon. friend who originated this measure, and although he (Mr. Price) had not supposed that the sheriff had not exercised his power unlawfully to influence his voters, yet the very consciousness that he possessed that power, was in his opinion sufficient to operate injuriously, whereas if the vote by ballot had been established every man might have voted according to his conscience. Many elections he (Mr. Price) fully believed had been carried in this province contrary to the wishes of the people, (hear, hear,) from the very circumstance of this desirable method of voting not having been adopted. It is a measure which is absolutely necessary to the liberty of the subject. (Hear, hear.) There is a feeling throughout Canada which is disgusting and infamous, there are persons prowling about through the length and breadth of the land denouncing as rebels those who oppose the government. (Hear, hear.) If we are to be coerced in this way and threatened with club law, we might as well give up the idea of responsible government altogether, (hear, hear,) or any any (sic) other government. (Hear, hear.)<sup>33</sup>

**Mr. Durand** said he must confess he was surprised at the summary and cavalier manner in which the learned and hon. gentleman from Essex had treated this measure. That gentleman had been in Parliament for a considerable time and must be considered to be acquainted with parliamentary usages, but when he reads a lecture to hon. members in this house, he must remember that those who live in glass houses should not throw stones. (A laugh.) If he (Mr. Durand) were to consult his own feelings he would at once say, he was not in favor of the vote by ballot, (hear, hear,) because he did not believe that anything would influence him in giving his vote. He had sufficient command over himself. (Hear, hear, hear, order, go on.) But there were people who were differently situated. He knew perfectly well that influence was exercised, and that not on the right side either. (Hear, hear.) He was perfectly aware that at the late election large sums of money had been laid out; where they come from he was unable to say. (A laugh.) A good deal of chicanery had been used, and no doubt other tricks would still be resorted to. (Cries of "question.") I am not going to be tedious, I shall forego my own feelings and vote in favor of the bill, because I think it absolutely required.<sup>34</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair.

House goes into  
Committee on Heir  
and devisee Acts.

The Order of the day for the House in Committee, to take into consideration the expediency of amending and consolidating the several Acts now in force in that part of this Province formerly constituting *Upper Canada*, in relation to the Heir and Devisee Commission being read,

The House accordingly resolved itself into the said Committee.

Mr. Williams, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair.

Resolution reported  
agreed to.

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And Mr. Williams, reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's Table, and agreed to by the House, and is as followeth:—

Resolution for con-  
solidating Acts  
relating to Heirs and  
devisees of the ori-  
ginal nominees of  
the Crown.

*Resolved*—That it is expedient to amend and consolidate the following Acts of the Legislature of the part of this Province formerly constituting *Upper Canada*, viz: an Act passed in the 45th GEO. 3rd., and a certain other Act of the said Legislature in the 48th GEO. 3rd., and a certain other Act of the said Legislature passed in the 52nd. GEO. 3rd., and a certain other Act of the said Legislature passed in the 4th. GEO. 4th., and a certain other Act of the said Legislature, passed in the 10th. GEO. 4th., and also a certain Act of the Legislature of this Province passed in the present Session thereof, in relation to those persons who are entitled to claim Lands in the said part of this Province as Heirs or Devisees of the nominees of the Crown, in cases

where no patent hath issued for such Lands, and to extend the provisions thereof, so as to afford relief to all persons claiming under the original nominees of the Crown, or under their Heirs or Devises, through whatever number of degrees such claim may be derived.

Heir and devisee Bill brought in and read.

*Ordered* — That Mr. J. S. Macdonald, have leave to bring in a Bill to amend and consolidate the several Acts of the Legislature of *Upper Canada*, passed for the relief of persons claiming Lands under the nominees of the Crown in cases where no Patent hath issued for such Lands.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Second reading on Wednesday next.

*Ordered* — That the said Bill be read a second time on *Wednesday* next.

House goes into Committee on district Court Bill.

The Order of the day for the House in Committee on the District Court Law of *Upper Canada*, as regards the payment of Judges and Clerks, being read,

The House accordingly resolved itself into the said Committee.

The Honourable Mr. *Moffatt*, took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

A Resolution reported.

And Mr. *Moffatt*, reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's Table, and agreed to by the House, and is as followeth : —

Resolution.

*Resolved* — That it is expedient to alter the provision of Law now in force for the payment of the Judges, Clerks, and Sheriffs, for services in the District Court in that part of the Province formerly *Upper Canada*.

House goes into Committee on purchasing shares of Welland Canal.

The Order of the day for the House in Committee to take into consideration the expediency of granting a sum of money to purchase the private shares in the *Welland* Canal, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Hale*, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Resolution reported and to be received on Monday next.

And Mr. *Hale*, reported that the Committee had come to a Resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

*Ordered* — That the report be received on *Monday* next.

House goes into Committee on Mill dam B

The Order of the day for the House in Committee on the Bill to settle, by a more easy and less expensive mode than now by Law exists, the damages which have been, or may hereafter be, sustained by the proprietors of Land overflowed by means of the erection of Mill Dams, being read,

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The House accordingly resolved itself into the said Committee.

Mr. *Raymond*, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Progress.

And Mr. *Raymond*, reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Sit again Wednesday next.

*Ordered* — That the said Committee have leave to sit again on *Wednesday* next.

Then on motion of Mr. *Dunscorn*, seconded by Mr. *Boutillier*, The House adjourned.

## Appendix, 30 July 1841.

## ((Withdrawn Motion. Re : Supplying Copies of Bills to Printers.))

Mr. Johnston made a motion that the Clerk forward a copy of each Bill to every printer in the Province, but withdrew it on the understanding that his views would be met without entering a resolution on the Journals.<sup>35</sup>

Footnotes — 30 July 1841.

1. The debate on this amendment was reported in : EXAMINER, 4 August 1841 ; BRITISH COLONIST, 4 August 1841.
2. EXAMINER, 4 August 1841.
3. IBID.
4. BRITISH COLONIST, 4 August 1841.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. The ensuing debate was reported in : BRITISH COLONIST, 4 August 1841 ; EXAMINER, 4 August 1841 ; LE CANADIEN, 4 August 1841 ; MONTREAL GAZETTE, 2 August 1841.
10. See JOURNALS, pages 265, 266, for text of these Resolutions.
11. EXAMINER, 4 August 1841.
12. MONTREAL GAZETTE, 2 August 1841.
13. EXAMINER, 4 August 1841.
14. IBID.
15. BRITISH COLONIST, 4 August 1841.
16. EXAMINER, 4 August 1841.
17. BRITISH COLONIST, 4 August 1841.
18. IBID.
19. IBID.
20. EXAMINER, 4 August 1841.
21. IBID.
22. IBID.
23. IBID.
24. MONTREAL GAZETTE, 20 September 1841, provides a commentary on this bill.
25. EXAMINER, 4 August 1841, provides a short commentary on the proceedings.
26. BRITISH COLONIST, 4 August 1841.
27. IBID.
28. The debate occurring was reported in : BRITISH COLONIST, 4 August 1841 ; MONTREAL GAZETTE, 2 August 1841 ; KINGSTON CHRONICLE, 7 August 1841 ; LE CANADIEN, 13 August 1841, containing a translation of the same report found in KINGSTON CHRONICLE, 7 August 1841. Commentaries are found in : LE CANADIEN, 4 August 1841 ; MONTREAL GAZETTE, 20 September 1841 ; EXAMINER, 4 August 1841. The EXAMINER's correspondent reported : "The House was thinly attended, and the hour was so late that but little discussion could take place...."
29. KINGSTON CHRONICLE, 7 August 1841.
30. BRITISH COLONIST, 4 August 1841.
31. KINGSTON CHRONICLE, 7 August 1841.
32. IBID.
33. IBID.
34. IBID. The BRITISH COLONIST, 4 August 1841 commented : "The cries "go ahead" "Walker" "I wish you may get it", and various other encouraging exclamations so interrupted the smoothness of the hon. gentleman's yarn, that ... he might have given up in despair all hope of joining it together."
35. MONTREAL GAZETTE, 2 August 1841.



**Monday, 2 August 1841.**

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<i>Petitions brought up.</i>	The following Petitions were severally brought up and laid on the
	Table : —
Neil McDonnald and others.	By Mr. Baldwin, the Petition of <i>Neil McDonald</i> , and others, School Trustees of the Township of <i>Georgina</i> .
Wm. Cox, Ezra Annis and others.	By Mr. Small, the Petition of <i>William Cox</i> , <i>Ezra Annis</i> , and others, of the Township of <i>Whitby</i> .
John E. Mills and others.	By Mr. Holmes, the Petition of <i>John E. Mills</i> , and others, in behalf of the <i>American Free School of Montreal</i> .
Warner Nelles and others, John DeCew and others.	By Mr. Thompson, the Petition of <i>Warner Nelles</i> , and others, Inhabitants of the County of <i>Haldimand</i> , the Petition of <i>John DeCew</i> , and others, Inhabitants of the County of <i>Haldimand</i> , and the Petition of <i>Daniel Hoover</i> , and others, of the Township of <i>Walpole</i> , County of <i>Haldimand</i> .
Daniel Hover and others.	
Justices return of fines return of third time and passed. Title.	An engrossed Bill to require Justices of the Peace to make returns of convictions and fines was read for the third time. <i>Resolved</i> — That the Bill do pass, and that the title be " <i>An Act to require Justices of the Peace to make Returns of Convictions and Fines, and for other purposes therein mentioned.</i> "
Bill sent to Council.	<i>Ordered</i> — That Mr. Attorney General <i>Draper</i> , do carry the said Bill to the Legislative Council, and desire their concurrence.
<i>Petitions read.</i> Of W. Millar and others. Of Henry Weeks.	Pursuant to the Order of the day the following Petitions were read : Of <i>W. Millar</i> , and others, of the Townships of <i>Roxborough</i> and <i>Finch</i> , County of <i>Stormont</i> , praying for an aid to complete a Road. Of <i>Henry Weeks</i> , of <i>Yonge</i> , district of <i>Johnstown</i> , praying for a compensation for ejectment from his lot owing to an error in the Government survey.
Of G. P. Ridout and others.	Of <i>George Percival Ridout</i> , and others, Members of the Board of Trade of <i>Toronto</i> , praying for a Bankrupt Law.
Of James McCre and others.	Of <i>James McCre</i> , and others, Inhabitants of the <i>East</i> settlement in the Seignior of <i>Argenteuil</i> , County of the <i>Lake of Two Mountains</i> , praying an aid in support of a School on Lot No. 17 in the said settlement.
Of Wm. Wheeler.	Of <i>William Wheeler</i> , of <i>Russelltown</i> , County of <i>Beauharnois</i> , stating that his farm was burnt by Refugee <i>Canadians</i> , and praying relief.
Of Peter Row.	Of <i>Peter Row</i> , of <i>Russelltown</i> , County of <i>Beauharnois</i> , stating that his farm was burnt by Refugee <i>Canadians</i> , and praying relief.
Of J. B. Ewart and others.	Of <i>James B. Ewart</i> , and others of the Townships of <i>West Flamborough</i> , <i>Beverly</i> and other places, praying that the Memorial of the <i>Desjardins Canal Company</i> , offering to surrender to Government the

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	property of the said Canal until the advance made for its completion shall have been repaid to Government, be favorably received.
Of William Burton and others.	Of <i>William Burton</i> , and others, Freeholders and inhabitants of the county of <i>Bonaventure</i> , praying that the future elections, Polls be held at different places in the said county.
Of J. B. Milliette, and others.	Of <i>Jean Baptiste Milliette</i> , and others, inhabitants and proprietors of the parish of <i>Longue Pointe</i> , and other places, complaining of the Ordinance of the 3rd. VICTORIA, Cap. 31. providing for the improvement of Roads in the neighbourhood of <i>Montreal</i> .

Of Bernard Smith  
and others.

Of *Bernard Smith*, and others of the 2d. range of the Township of *Durham*, praying that the Petition of divers inhabitants of the county of *Durham*, in *Lower Canada*, in relation to a certain disputed boundary line in that Township, referred to a Special Committee of the Legislative Assembly, be referred to Courts of Justice.

Of John S. Alma,  
late Returning Officer  
Town of Niagara.

Of *John S. Alma*, late Returning Officer of the Town of *Niagara*, praying to be allowed to vindicate his character from charges preferred against him in Petition of *Robert Melville* and *John McBride*, of *Niagara*.

Of Geo. Nichols.

Of *George Nichols*, of *Johnstown*, stating that he has been wounded in Her Majesty's service, and praying relief.

Of John Carley.

Of *John Carley*, of the township of *Dunwich*, county of *Middlesex*, praying for a pension for services rendered during the Rebellion.

Petition of Edward  
G. O'Brien, and  
others, referred to  
Committee of whole  
on Simcoe Gaol and  
Court House.

On motion of Captain *Steele*, seconded by Mr. *Williams*,

*Ordered* — That the Petition of *Edward G. O'Brien*, and others, Justices of the Peace for the county of *Simcoe*, presented to the House on the 2nd day of *July* last, be referred to the Committee of the whole House to consider the expediency of authorizing an additional loan to complete the Court House and Gaol of the District of *Simcoe*.

Petitions of Edward  
Ellice, and others,  
W. Wheeler, and of  
Peter Row,  
of Beauharnois,  
referred to Committee  
on petition of John  
Atkinson.

On motion of Mr. *Dunscob*, seconded by Mr. *Holmes*.

*Ordered* — That the Petitions of *Edward Ellice* and others, inhabitants of the county of *Beauharnois*, presented to the House on the 5th of *July* last, of *William Wheeler* of *Russelltown*, county of *Beauharnois*, and of *Peter Row*, of *Russelltown*, county of *Beauharnois*, be referred to the Special Committee to which was referred the Petition of *John Atkinson* of the Township of *Hemmingford*.

Contingent Committee  
present second report.

Mr. *Thorburn*, from the Special Committee on the contingent accounts and expenses of the present session, with power to report from time to time, presented to the House the second report of the said Committee, which was again read at the Clerk's table and is as followeth : —

Second report of  
Committee on con-  
tingencies.

"Your Committee, upon examining the account of Mr. *W. J. Coates*, find that a sum is yet due to him, of two hundred and sixty five pounds, eighteen shillings, by the late House of Assembly, of *Upper Canada*, for printing, — principally upon contract work.

Your Committee find, moreover, that he did not receive payment from time to time, on account, as had been usual, for some time past, with persons having contracts with the House, owing to the sum of money placed in the hands of the Clerk having proved insufficient to meet the various demands against the House; and therefore they are of opinion that Mr. *Coates*, should be allowed an additional sum of fifty pounds in consideration thereof, and have prepared a resolution to that effect: but while your Committee recommend this allowance, they beg that it may be distinctly understood that it must not be taken as a precedent by future contractors.

Your Committee have also examined the following accounts submitted to them by the Clerk of the late House of Assembly of *Upper Canada*, and the Sergeant-at-Arms, and find them to be true and correct, viz :

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*By the Clerk.*

The account of <i>Richard Tinning</i> .....	£	3	2	6
<i>John McKenzie</i> .....		17	10	4½
<i>Thomas Carey &amp; Co,</i> .....		2	10	0
Which, with the sum due to Mr. <i>Coates</i> , .....		265	18	0
<hr/>				
Will amount to .....	£	289	0	8½

*And by the Sergeant-at-Arms.*

The account of <i>Hugh McLennan</i> .....	£	57	15	0
<i>J. Edmonde</i> .....		15	18	8
<i>W. Bickerstaff</i> .....		6	14	8
<i>Silas Burnham</i> .....		12	12	0
<i>Geo. Denison</i> .....		3	13	8

Amounting to the sum of .....£ 96 14 0

which several sums your Committee recommend to be paid forthwith, and have prepared resolutions accordingly.

£59.16.8. to be paid  
to Alfred Patrick.

The Petition of *Alfred Patrick*, praying that his salary, as a copying Clerk, of the late House of Assembly of *Upper Canada*, for the past year, may be made equal to the average of former years, has been considered by your Committee, and they find that his pay for the eleven previous years was fully equal to Two hundred pounds per annum; but that last year, although ready and willing to perform his usual duties, yet, in consequence of there being no session of Parliament, his allowance fell short of the usual amount, by £59 16s. 8d. — It is the opinion of your Committee that the difference should be made good to him, and they therefore submit a resolution for that purpose, for the consideration of your Honourable House."

*Ordered* — That the said report be now referred to a committee of the whole House.

House goes into  
Committee on fore-  
going account.

The House accordingly resolved itself into the said Committee.

Mr. *Taché* took the chair of the Committee,<sup>1</sup>

Mr. Johnston ... remarked, the loss ought to have fallen upon ((Mr. W.J. Coates)) himself, for making such a contract, as would not enable him to pay even his compositors, a mode of doing business that would suggest to many, the remark — well this man is either a fool and does not comprehend his agreement, or a ——— and does not mean to fulfil it. Mr. Alfred Patrick, an old servant of the house, was recommended to have the deficiency in his salary for last session made up to him, — amounting to some fifty odd pounds, rating the office at £200 per annum.<sup>2</sup>

Messrs. Hincks and Hale warmly supported it.<sup>3</sup>

Mr. Johnston also followed on the same side, declaring that if the ignorance or design of a printer, was to have any claim upon them, in a hundred fold proportion were they bound to listen to those of their servants.<sup>4</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair,

Several resolutions  
reported.

And Mr. *Taché* reported that the Committee had come to several resolutions which he was directed to submit to the House, whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

Special Committee on  
Clerk's Offices present  
second report.

Sir *Allan McNab* from the Special Committee appointed to enquire what assistance it will be necessary to afford to the Clerk, and what offices and Departments it will be expedient to establish for the effective and orderly conduct of this House, with power to report from time to time, presented to the House the second report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

"Your Committee have had under their consideration an application from *A. Lemoine*, assistant *French* Translator, praying that he be placed on a fixed salary, instead of his present allowance.

Assistant French  
translator 10s. per day  
for extra hours.

Your Committee recommend that he be allowed at the rate of one pound per diem of six hours, and at the rate of ten shillings per diem for extra hours.



Also an application from *R. Defries*, Post-office messenger, praying for a fixed allowance.

Post Office Messenger  
10s. per day, no extra.

Your Committee recommend that he be allowed ten shillings per diem for the time he is employed, with no extra allowance.

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Also the Petition of *Aneas Bell* Chief Messenger of the late House of Assembly of *Upper Canada*, and *Julia Bell*, to be re-appointed to the House of Assembly.

Joint pension of £25,  
to be continued  
to survivor.

Your Committee recommend that the House do allow them, jointly, a pension of £25, to continue to the survivor.

Alfred Todd, Thad-  
deus Patrick & Chs.  
FitzGibbon to be  
continued while there  
is employment in  
the office.

And also the Petition of *Alfred Todd*, *Thaddeus Patrick*, and *Charles Fitzgibbon*, Clerks in the office of the Clerk of the late Assembly of *Upper Canada*, praying to be appointed to the same situations in the present establishment of *Canada*.

Your Committee recommend that they be employed at the same rate as other extra writers, and continued during the recess while they may be required by the Clerk."

Report referred to  
Committee of whole  
to-morrow.

*Ordered* — That the said Report be referred to a Committee of the whole House to-morrow.

Bill for dispatch of  
business in Queen's  
Bench, brought in  
and read 1st time.

*Ordered* — That Mr. Attorney General *Draper* have leave to bring in a Bill to facilitate the dispatch of business in the Court of Queen's Bench of *Upper Canada*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Second reading  
to-morrow.

*Ordered* — That the said Bill be read a second time to-morrow.

Return on Subject  
of Loans to Harbour  
Companies, referred  
to Select Committee.

*Resolved* — That the return to an Address of the 20th of *July* last, from the House of Assembly, to His Excellency, the Governor General, on the subject of the Loans made by the Government to the *Coburg*, *Port Hope* and *Oakville* Harbour Companies, laid before the House on *Friday* last, be referred to a Committee of five members to report thereon; with power to send for persons, papers, and records.

Committee formed.

*Ordered* — That Mr. *Hincks*, Mr. *Merritt*, Mr. *Neilson*, the Honourable Mr. *Killaly* and Mr. *Baldwin*, do compose the said Committee.

District Court amend-  
ment Bill brought in  
and read first time.

*Ordered* — That Mr. Attorney General *Draper* have leave to bring in a Bill to alter and amend the laws now in force in that part of this Province formerly *Upper Canada*, regulating the District Courts.

He accordingly presented the said Bill to the House and the same was received and read the first time.

Second reading on  
Thursday next.

*Ordered* — That the said Bill be read a second time on *Thursday* next.

Resolution on subject  
of wages to House of  
Assembly referred to  
Select Committee.

Mr. *Small* moved, seconded by Mr. *Parent*,  
That the resolutions of this House of *Monday* last on the subject of the payment of wages to Members of the House of Assembly, be referred to a Committee of five members, to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.<sup>6</sup>

He ((Mr. *Small*)) declared that he had hitherto delayed advancing this measure, under the hope that the Government would have brought forward some proposition on the subject, after learning the well understood wishes of the House on that occasion.<sup>6</sup>

Mr. *Hincks* was desirous to have the opinions of the crown officers, frankly expressed on the subject.<sup>7</sup>

Mr. *Baldwin* called their silence discourteous.<sup>8</sup>

Mr. *Harrison* said the question was, how was the money to be raised? — there was no unappropriated revenue: — the propounders of the measure had said nothing on this point. It was resolved merely to appoint a select committee to report on the resolution — why was the government to step forward?<sup>9</sup>

**Sir Allan MacNab** and **Mr. Price** were for the motion.<sup>10</sup>

**Mr. Morin** saw clearly from the coyness of the treasury gentlemen, that it was a plan not popular with the government.<sup>11</sup>

**Mr. Thorburn** suggested an address to His Excellency in lieu of introducing a bill, which he thought could not constitutionally be sustained.<sup>12</sup>

**Mr. Buchanan** was of opinion that the silence of the ministers was an index of the tone of feeling that prevailed on the subject in a higher quarter.<sup>13</sup>

The words "by bill or otherwise" were then struck out of the resolution, and the committee rose.<sup>14</sup>

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The question having been put upon the said motion, a division ensued, and it was carried in the affirmative.

*Resolved* accordingly.

Committee formed.

*Ordered* — That **Mr. Small**, **Sir Allan McNab**, **Mr. Thorburn**, **Mr. Morin**, and **Mr. Neilson**, do compose the said Committee.

On motion of **Mr. Prince**, seconded by **Mr. Thorburn**,

*Resolved* — That the Petition of divers electors of the county of *St. Maurice*, complaining of the undue return of *Joseph Edouard Turcotte*, Esquire, sitting member for the said county, be taken into consideration on *Thursday* the 12th instant, at 4 o'clock, P. M., in lieu of *Tuesday* the 10th day of the same month, as before appointed by this House.

*Resolved* — That **Mr. Speaker** do forthwith cause *E. Sicard de Carufel*, Esquire, of *Maskinongé*, late Returning Officer for the County

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of *St. Maurice*, to be summoned to attend at the Bar of this House on *Thursday* the 12th day of *August*, instant, at 4 o'clock, P. M., to give evidence upon the trial of the controverted election for that County.

On motion of **Mr. Price**, seconded by **Mr. Prince**,

*Ordered* — That the sum of twenty pounds, paid to the Clerk of this House by *Robert J. Turner*, of the Town of *Kingston*, be repaid to him, the Petition of the said *Robert J. Turner* having been presented previous to the adoption of the Rules of the House.

*Ordered* — That **Mr. Prince** have leave to bring in a Bill for the relief of purchasers at certain Sheriff's sales, made after such Sheriffs had been out of office.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

*Ordered* — That the said Bill be read a second time, on *Monday* next.

On motion of **Mr. Small**, seconded by **Mr. Raymond**.

*Resolved* — That this House do now resolve itself into a Committee of the whole House to take into consideration the propriety of providing for the payment of an annual salary to the Honorable the Speaker of this House.

The House accordingly resolved itself into the said Committee.

**Mr. McLean** took the chair of the Committee.<sup>15</sup>

**Mr. Hincks** ironically remarked, that perhaps the officers of the government would say there was no unappropriated revenue for it.<sup>16</sup>

**Mr. Moffatt** was for an address to His Excellency on the subject.<sup>17</sup>

**Mr. Berthelot** bawled and tired the patience of the house as usual.<sup>18</sup>

Time for considering contested Election for County of *St. Maurice* postponed till *Thursday*, the 12 inst.

Returning Officer for *Saint Maurice* to appear at the bar on 12th instant.

£20 paid by **Robert J. Turner** to Clerk to be returned.

Bill for relief of purchasers from Sheriffs brought in and read first time.

Second reading *Monday*.

House goes into Committee of whole on Speaker's salary.

**Mr. Morin** gave it as his opinion, that the purport of the Union Bill did not at all effect the power of this house with respect to its right to vote a sum to support the dignity of the chair.<sup>19</sup>

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and after some time spent therein,

Progress.

**Mr. Speaker** resumed the chair,

And **Mr. McLean** reported, that the Committee had made some progress, and directed him to move for leave to sit again.

Sit again on Friday next.

*Ordered* — The said Committee have leave to sit again on *Friday* next.

Bill to abolish imprisonment for debt, brought in and read first time.

*Ordered* — That **Mr. Prince** have leave to bring in a Bill to abolish imprisonment for debt in *Canada West*, except in certain cases.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Second reading Monday next.

*Ordered* — That the said Bill be read a second time on *Monday* next.

**Mr. Cameron**, from the Committee of the whole House, on the third Report of the Special Committee appointed to superintend the Printing of this House during the present Session, reported, according to Order, the resolutions of the said Committee, which resolutions were again read at the Clerk's table, and agreed to by the House, and are as followeth : —

Resolutions reported from Printing Committee agreed to by House.

*Resolved* — That the daily printing to be executed for this House, together with the printing of the Journals and Appendices of the present Session, be given to Messieurs *Desbarats & Cary*, who have tendered for the work, at the following prices : —

Daily printing in the *English* language, per 1000 ems, 2s. 6d.

Do in *French* language, per 1000 ems, 2s. 6d.

Journals and Appendices in the *English & French* languages, per 1000 ems, 2s. 3d.

*Resolved* — That the offer of *Richard Brewer*, to bind the Journals and Appendices, at three shillings per volume of not more than 550 pages, and three pence per volume for every additional fifty pages, be accepted.

**Mr. Hale**, from the Committee of the whole House to take into consideration the expediency of granting a sum of money to purchase the private shares in the *Welland Canal*, reported, according to Order,

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the resolution of the said Committee, which resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth : —

Resolution for purchasing private Stock of Welland Canal agreed to by House.

*Resolved* — That it is expedient that the stock of the *Welland Canal* Company should be held exclusively by the public, and that such part thereof as is now in the hands of private individuals or Companies should be purchased by this Province.

Bill for relief of inhabitants of Saguenay read second time.

A Bill to exempt the inhabitants of the County of *Saguenay* from the operation of certain Ordinances therein mentioned, was, according to Order, read a second time.<sup>20</sup>

((It is clear from the newspaper comments that several speakers participated in the debate on the winter sleigh question. However, the only direct quotation is that which follows.)) **Mr. Holmes** stated that on one occasion, a trial was made ... and the French Canadian sleigh in a few hours made the road impassable, the horses being quite knocked up, and ... the sleighs on the plan recommended, continued running with the horses fresh, till 4 o'clock P.M., making a good road ten feet wide, which continued to improve as it was beaten instead of getting bad...<sup>21</sup>

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*Ordered* — That the said Bill be now referred to a Committee of the whole House.



House goes into Committee on the Bill.

The House accordingly resolved itself into the said Committee.

Mr. *Boutillier* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair.

Order of the day for second reading fire Assurance Company Bill of Lower Canada, postponed.

The Order of the day for the second reading of the Bill to amend an Act of the Legislature of *Lower Canada*, relative to the establishment of Mutual Fire Insurance Companies, being read,

*Ordered* — That the said Order of the day be postponed until *Wednesday* next.

House goes into Committee on loan to County of Simcoe for Gaol and Court House.

The Order of the day for the House in Committee to consider the expediency of authorizing an additional loan to complete the Court House and Gaol of the District of *Simcoe*, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Taschereau* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Resolution reported and agreed to.

And Mr. *Taschereau*, reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's Table, and agreed to by the House, and is as followeth : —

Resolution.

*Resolved* — That it is expedient to authorize a loan by the Magistrates of the District of *Simcoe*, in order to complete the District Gaol and Court House.

Simcoe Gaol and Court House loan Bill brought in and read.

*Ordered* — That Captain *Steele*, have leave to bring in a Bill to increase the sum which may be raised under a certain Act, therein mentioned, for defraying the Cost of certain public Buildings in the County of *Simcoe*.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

Second reading Friday next.

*Ordered* — That the said Bill be read a second time on *Friday* next.

House goes into Committee on Caledonia Bridge Company Bill.

The Order of the day for the House in Committee on the Bill to incorporate certain Persons under the Title of "The *Caledonia* Bridge Company," being read,

The House accordingly resolved itself into the said Committee.

Mr. *Cook*, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

Bill reported amended.

And Mr. *Cook* reported that the Committee had gone through the Bill, and had made an amendment thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

House goes into Committee on Bill Macadamized Roads.

The Order of the day for the House in Committee on the Bill to repeal a certain section of an Act of the Legislature of *Upper Canada*, relative to Macadamized Roads, being read,

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The House accordingly resolved itself into the said Committee.

Mr. *Borne* took the chair of the Committee,<sup>22</sup>

Mr. *Merritt* was opposed to the measure, as altering the law relating to statute duty.<sup>23</sup>

Mr. *Durand* said, that the commissioners by engrossing all the statute labour, the bye-roads within half a mile of the macadamized roads, were in consequence much neglected.<sup>24</sup>

Mr. *Merritt*. — The District Councils will embrace such matters — it will be better, therefore, to postpone the bill, until the Government measure is before the house.<sup>25</sup>

**Mr. Johnston** thought that **Mr. Durand's** constituents were happy mortals, the inconvenience of their bye-roads being compensated for, by having macadamized roads within half a mile off ! (Hear.)<sup>26</sup>

**Mr. Draper** opposed the repeal aimed at, as the statute labour would be taken away from the side roads, fronting the farms, where roads passed, giving the inhabitants nothing in lieu of it.<sup>27</sup>

Some remarks ... ((were made by)) **Messrs. Thorburn and Boswell** —<sup>28</sup>

The committee rose and threw the bill out...<sup>29</sup>

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and after some time spent therein,

**Mr. Speaker** resumed the chair.

House goes into Committee on first Report of Special Committee on Clerk's Office.

The Order of the day for the House in Committee on the first Report of the Special Committee appointed to inquire what assistance it will be necessary to afford to the Clerk, and what Offices and Departments it will be expedient to establish for the effective and orderly conduct of the business of this House, being read,

The House accordingly resolved itself into the said Committee.

**Mr. Hale** took the chair of the Committee, and after some time spent therein,

Resolution reported.

**Mr. Speaker** resumed the chair,

And **Mr. Hale**, reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's Table, and agreed to by the House, and is as followeth : —

An Address to His Excellency in behalf of certain Officers and Servants of the late Houses of Assembly of Lower Canada and Upper Canada.

*Resolved* — That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to take the services of the following Officers and servants of the late House of Assembly in *Lower Canada* and *Upper Canada*, into His Excellency's favourable consideration, by granting some mark of Royal favor on them for their long and faithful services : —

*Louis B. Pinguet, David Jardine, William Coates, Samuel Waller, Jasper Brewer, F. Rodrigue, and Louis Gagné.*

*Ordered* — That the said Address be presented to His Excellency by such Members of this House as are of the Honourable the Executive Council of this Province.

House goes into Committee on Militia Law.

The Order of the day for the House in Committee on the Bill to amend the Militia Law of that part of the Province formerly constituting the Province of *Upper Canada*, being read,

The House accordingly resolved itself into the said Committee.

**Mr. Turcotte** took the chair of the Committee,

**Mr. Johnston** ... observed, is the paltry sum of £5 or even £50 to be considered an equivalent in case of refusal, to protect the land, whose marrow and whose fatness have filled the veins of the very men who flinch from so sacred a duty.<sup>30</sup>

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and after some time spent therein,

**Mr. Speaker** resumed the chair,

Bill reported amended.

And **Mr. Turcotte** reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's Table and agreed to by the House.

*Ordered* — That the said Bill, as amended, be engrossed.

House goes into Committee on Dalhousie loan Bill.

The Order of the day, for the House in Committee on the Bill to authorize a further loan to complete the building of the Court House and Gaol for the intended District of *Dalhousie*, being read,

The House accordingly resolved itself into the said Committee.

**Mr. Ruel** took the chair of the Committee.

Several members having retired,

**Mr. Speaker** resumed the chair,

And the names of the members present were taken down as followeth : —

Mr. Speaker,

Mr. *Armstrong*, Mr. *Berthelot*, Mr. *Borne*, Mr. *Boswell*, Mr. *Bou-tillier*, Mr. *Derbshire*, Mr. *Durand*, Mr. *Hale*, Mr. *Hincks*, Mr. *Morin*, Mr. *Parent*, Mr. *Powell*, Mr. *Raymond*, Mr. *Ruel*, Mr. *Steele*, Mr. *Taché*, Mr. *Thompson*, and Mr. *Williams*.

House adjourns for want of Quorum.

And at half past ten o'clock at night,  
Mr. Speaker adjourned the House for want of a Quorum.

Footnotes — 2 August 1841.

1. The remarks made during this discussion were reported in : *BRITISH COLONIST*, 11 August 1841 ; *MONTREAL GAZETTE*, 6 August 1841.

2. *BRITISH COLONIST*, 11 August 1841.

3. *IBID.*

4. *IBID.*

5. The discussion arising before a division was called was reported in : *BRITISH COLONIST*, 11 August 1841 ; *LE CANADIEN*, 6 August 1841, commenting upon the remarks ; *MONTREAL GAZETTE*, 6 August 1841.

6. *MONTREAL GAZETTE*, 6 August 1841.

7. *BRITISH COLONIST*, 11 August 1841.

8. *IBID.*

9. *IBID.*

10. *IBID.*

11. *IBID.*

12. *IBID.*

13. *IBID.*

14. *IBID.*

15. The discussion occurring was reported in : *BRITISH COLONIST*, 11 August 1841 ; commentaries are found in : *LE CANADIEN*, 6 August 1841 ; *MONTREAL GAZETTE*, 6 August 1841.

16. *BRITISH COLONIST*, 11 August 1841.

17. *IBID.*

18. *IBID.*

19. *IBID.*

20. "It appears that on account of the infamous state of the roads, in some part of it during winter, an ordnance (sic) was passed, for the shaft to be on one side with some other alteration in the sleigh, that travellers might be relieved from the dangerous heaving and pitching, that they were obliged to encounter, over the cahots or heaps of snow collected at intervals in the roads by the old French Canadian mode of sleighing. It is impossible to say whether it was out of jealousy, prejudice or hostility to British improvements that the French Canadian members supported this simple, delightful, bone dislocating and rupture producing mode of travelling, but ... a number of gentlemen stepped forward and proved that the practice operated actually as a curse in the Lower Province...." commented the *BRITISH COLONIST*, 11 August 1841, about this measure.

21. *BRITISH COLONIST*, 11 August 1841. Commentaries on this measure and the discussion on it are also found in : *LE CANADIEN*, 6 August 1841 ; *MONTREAL GAZETTE*, 6 August 1841. A long detailed commentary in the *BRITISH COLONIST*, 11 August 1841, is so virulently prejudiced against French Canadians that it should be suspect in terms of any attempt to discover the real issues involved.

22. The discussion ensuing was reported in : *BRITISH COLONIST*, 11 August 1841 ; *ST. CATHARINES JOURNAL*, 19 August 1841, copied from *BRITISH COLONIST*, 11 August 1841. In the opinion of the extremely opinionated *BRITISH COLONIST*, the loss of this bill's passage was attributable to Mr. Durand's opponents who were revenging themselves on "his mischievous but futile attempt against the Board of Works and Court of Requests bill."

23. *BRITISH COLONIST*, 11 August 1841.

24. *IBID.*

25. *IBID.*

26. *IBID.*

27. *IBID.*

28. *IBID.*

29. *IBID.*

30. *IBID.*, which contains as well a long commentary on the subject.



**Tuesday, 3 August 1841.**

- Petitions brought up.*
- Of Trustees of Stanstead Seminary.
- Clergy and Church of England, Parish of Montreal.
- Lewis Davenport and others, and B. Fitzpatrick, and others.
- N. H. Baird.
- Guy H. Young and others.
- Warehousing Bill read 3rd time and passed.
- Militia Bill read third time and passed.
- Order of day for 3rd reading Small Debt repeal Bill read.
- Motion for discharging the same and certain Resolutions proposed for amending the law relating to recovery of Small Debts.
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- The following Petitions were severally brought up and laid on the table : —
- By Mr. *Child* — The Petition of the Trustees of the *Stanstead Seminary*.
- By the Honorable Mr. *Moffatt* — The Petition of the Clergy and Members of the Church of *England*, resident in the Parish of *Montreal*.
- By Mr. *Prince* — The Petition of *Lewis Davenport*, and others, of *Windsor*, and the Petition of *Bernard Fitzpatrick*, and others, confined in the Gaol of the *Midland District*.
- By Mr. *Boswell* — The Petition of *N. H. Baird*, Civil Engineer.
- By Mr. *Roblin* — The Petition of *Guy H. Youngs*, and others, Freeholders and Inhabitants of the Township of *Athol*.
- An engrossed Bill to extend the benefit of the warehousing system, established by a certain Act of the Imperial Parliament, passed in the Session held in the 3d and 4th years of His late Majesty's Reign, to duties imposed by Provincial Acts, was read for the third time.
- Resolved* — That the Bill do pass.
- Ordered* — That Mr. *Dunscumb* do carry the said Bill to the Legislative Council and desire their concurrence.
- An engrossed Bill to amend the Militia Law of that part of this Province formerly constituting the Province of *Upper Canada*, was read for the third time.
- Resolved* — That the Bill do pass.
- Ordered* — That Mr. *Merritt* do carry the said Bill to the Legislative Council and desire their concurrence.
- The Order of the day for the third reading of the engrossed Bill to repeal the Laws now in force in that part of this Province formerly called *Upper Canada*, for the recovery of small debts, and to make other provisions therefor, being read,
- Mr. *Merritt* moved, seconded by Mr. *Thorburn*,  
That the said Order of the day be discharged, and that it be —
- Resolved* — That it is expedient to repeal part of, and amend, an Act passed in the Parliament of the late Province of *Upper Canada*, intituled "*An Act to repeal part of, amend, and reduce to one Act of Parliament the several Laws now in force in this Province for the recovery of small debts, and to extend the jurisdiction of the Court of Requests within the same.*"
- Resolved* — That so much of the 2d Section of the said recited Act, as enacts, that "the said Commissioners for the time being, or any two of them, shall have power and authority, and are hereby authorized, empowered, and required, to hear and determine all matters of debtor contract when the demand doth not exceed the sum of £10 — and that the Acts, Orders, Judgments and Decrees, of the said Commissioners, shall be final between the parties." Also so much of the 20th Clause of the said Act, as provides, that no set off shall be allowed to be given in evidence before such Commissioners, which shall exceed the amount of £10" be and the same are hereby repealed.

*Resolved*—That the said Commissioners for the time being constituted by virtue of the said recited Act, or any two of them, shall have power and authority, and are hereby authorized, empowered, and

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required, to hear and determine all matters of debt where the liquidated demand doth not exceed the sum of £12 10s., and the debt or contract on the part of either Plaintiff or Defendant, does not exceed the sum of twenty-five pounds.

Resolutions proposed  
for amending the  
Court of request  
act of U. C.

*Resolved*—That any Defendant, by consent of the Plaintiff, may acknowledge and sign a confession of Judgment to the amount of twenty five pounds, in any of said Courts, providing he shall, if requested, make oath before said Commissioners that the said debt was just and true, and not given for the purpose of priority over any other demand against him.

*Resolved*—That on demand of either party for the recovery of, or defence of, any demand over £2 10s., on notice to the Clerk of the Court three days before the sitting of said Court, it shall be the duty of said Clerk to summon a Jury of six Freeholders to determine the same, which said Jury may be sworn by the said Court, and shall be entitled to the sum of            for each verdict given by them, and the decision of said Jury shall be final.

*Resolved*—That any Person who shall think himself aggrieved by any decision or judgment, under the provisions of the said recited Act, may appeal to the next Court of Quarter Sessions for the District wherein the case shall have been tried: Provided that such Person shall give to the other party a notice, in writing, for such appeal, and of the cause and matter thereof, within six days after the judgment was given, and enter into recognizances, with two sufficient sureties, before said Commissioners, for the payment of all costs which may be by such Court awarded; and that the Court at such Sessions shall hear and determine the matter of such appeal, provided that such decision has not been made by a jury called on the part of such Plaintiff or Defendant as aforesaid.

*Resolved*—That every person who, under and by virtue of this Act, may be summoned to attend any of the said Courts, either as a Juror or Witness, and who shall refuse or neglect, without sufficient cause, to attend for the purposes for which he or she may be so summoned, shall forfeit and pay not exceeding            as the said Commissioners shall order and direct, and which said fine shall be levied and collected by the same process as any debt recovered in the said Court, and shall, when collected, be, by the said Clerk, paid over to the Treasurer of the District in which such Court shall be situated, to be applied to and for the general purposes of the said District.<sup>1</sup>

He ((Mr. Merritt)) expressly stated he had no hopes of succeeding with his motion, but he wished his views and his votes to appear on the journals.<sup>2</sup>

Mr. Thorburn, in seconding this motion, said he would state the reasons why he was opposed to the bill in its present shape. In the first place the bill is calculated to effect a complete revolution in the law relating to these small courts, which have always been emphatically styled the poor man's court it takes away the power of adjudicating from the commissioners and places it in the hands of one man in each district; it changes the time for holding these Courts, making the intervals between its sittings two months instead of a fortnight, as formerly; and making the divisions extend to the limits of each township, which will compel suitors in many cases to travel twenty and twenty-five miles. Business will accumulate within the two months sufficient to keep the court sitting for three or four days, and under such circumstances, how is the poor man to obtain the recovery of his small demands? he is completely deprived of justice! this will be the effect of the bill. It is absurd to suppose that a man can go a distance of twenty miles to attend one of these courts, and remain three or four days for the recovery of a small demand. The expense would be greater than the debt; he is, therefore, virtually deprived of justice. The people have no

desire for such a change, as their petitions are coming to this house upon this subject remonstrating against the passage of a law of this kind. They are perfectly satisfied with the system as it is at present. It may perhaps be capable of some light improvement, such as this amendment would have the effect of giving it. But I think it is a dangerous matter for the legislature to force a law upon them contrary to their desire, although it may be a better law: it may be perfectly equitable and just in its provisions: but this is not the question, (hear, hear,) the main point is, do the people require it? — (Hear, hear.) The effect of this amendment will be to extend the jurisdiction of the commissioners to twelve pounds ten shillings, (and in cases of confession of judgment to £25) with the privilege of demanding a jury of six freeholders, and with the power of appealing from the decision of the commissioners to the Quarter Sessions or District Court. With these amendments the present law will be quite sufficient for all useful purposes, less expensive, more expeditious. I hope hon. gentlemen will seriously reflect before they attempt to introduce a new law, which, in its operation, will be at all events doubtful, (hear, hear,) in the place of one which is now I may say, in full operation. (Hear, hear.)<sup>3</sup>

**Mr. Durand** said he looked upon this measure as one of that magnitude which should not be passed hastily. He was satisfied there had been many complaints with regard to the Court of Requests, and there was no doubt that it required alteration, but to change the whole system at once he thought would be extremely injudicious. He was satisfied that it was not the sort of measure which would give satisfaction to the country.<sup>4</sup>

**Mr. Moffatt** said this is a measure which gentlemen from that part of the province from which I came, can have no particular interest in, beyond a desire to see a measure adopted which will meet the wishes of hon. members who represent the Upper portion of the province, where the law is intended to be applied, and I have, therefore, waited to see what the feelings would be on the part of Upper Canada members respecting it. Upon the decision which took place at the second reading, only five members had stood against it; he (Mr. Moffatt) was led to conclude therefore, that it was not altogether so unpopular a measure as some hon. gentlemen would endeavour to represent.<sup>5</sup>

**Mr. Baldwin** said he would vote for the bill; if for no other reason at least for this, that by this means they should get rid of upwards of one thousand commissioners, sixty per cent or two-thirds of whom are altogether unfit for the responsible situation in which they are placed. Whether it be attributable to improper appointments or not, persons have no confidence in these courts; they will not go to them because they cannot expect to receive justice. He would support this bill because he believed the principle upon which it was founded was better calculated to promote justice; but he did not entirely approve of some of its details, such as holding the court only once in two months. These details, however, could be amended either now or hereafter, whenever it might be found advisable.<sup>6</sup>

**Mr. Viger** said when a measure of this description was proposed in Lower Canada he had set his face against it, but he had been in a minority on that occasion. He had, however, in some degree changed his mind with regard to it. The longer the system went on the more he had reason to believe that the people were satisfied with it as being a cheap and expeditious remedy for the recovery of small debts. It would seem, however, that the people of this part of the province are desirous of adopting a new measure, at least a majority of their representatives are so, and this being the case, and as the law is only to be a temporary one, I shall of course offer no opposition to it.<sup>7</sup>

**Mr. Merritt** said he was really surprised at the apathy which seemed to prevail regarding this subject. He was completely astonished at the reasons assigned by the hon. gentleman from the city of Montreal, and the hon. and venerable member from Richelieu, for supporting the measure, that because a majority appears to be in favour of it they will go with that majority. Those hon. gentlemen say, we are not by any means satisfied ourselves of the beneficial results to be expected from this measure, but if you desire it we will sustain you. Those hon. gentlemen are no doubt aware that there ((are)) upwards of thirty lawyers in this house, (a laugh) and it affords an excellent opportunity for them to provide Judgeships for members of their profession. (Hear, hear.) I am not a little surprised that hon. members who witnessed the beneficial effect of the present system, should now endeavor to deprive us of those benefits to gratify the wishes of a set of professional men who happen to be members of this house. He (Mr. Merritt) would resist the passage of the bill, though he should stand alone, because he believed it would be unjust and improper,



in this hasty manner, to introduce an entirely new system, without giving the country an opportunity of expressing their wishes upon the subject.<sup>8</sup>

**Mr. Hincks** said that with regard to the people not having an opportunity of expressing their wishes regarding this measure, he thought they had had sufficient opportunity; the evil of the system had been found to be so great that it was thought advisable to appoint a commission to inquire into the matter: that commission entered into an investigation & reported upon the subject. That report had been before the house and the country for at least a year and a half. He (Mr. Hincks) had as good reason as any hon. member to know what the wishes and feelings of the people were upon the subject of these courts, and upon the subject of the new measure now before the house, and he was not aware that a single objection had been raised against the principle of this bill, but on the contrary it was generally approved of. The hon. gentleman from Haldimand (sic) had taken rather an extraordinary course. When the bill was before the committee of the whole house, that hon. gentleman declared that the present system was perfectly satisfactory to the country, and now he finds it necessary to propose to amend that perfect system by introducing a jury clause. He (Mr. Hincks) agreed with the hon. and learned gentleman from Hastings that there are probably defects in this bill which require to be amended, but satisfied as he was that the present system is a bad one, he was satisfied they could not take a better course than to adopt the present measure.<sup>9</sup>

**Mr. Cook** said he believed, notwithstanding what hon. gentlemen had said about the Courts of Requests being so obnoxious, that those courts gave general satisfaction. There were a few complaints against that court as against any court in Upper Canada.<sup>10</sup>

**Mr. Williams** said he had already given his opinion upon the subject at the second reading of the bill, and he saw no reason to alter that opinion. The great evil in the old system is, the improper appointments which have been made; but under this enlightenment and liberal administration (hear, hear) it is reasonable to suppose that we shall have no such cause of complaint. The new measure is exceedingly objectionable in one point of view; it will materially increase the costs attending the trial of small cases, and will be exceedingly inconvenient in obliging suitors to travel a great distance. He hoped hon. gentlemen would allow the matter to rest until the next session of Parliament.<sup>11</sup>

**Mr. Roblin** said it was with considerable diffidence he rose, after the divisions which had taken place upon the second reading of this bill, when he had made one of that miserable minority which an hon. gentleman had alluded to, in opposition to this measure. (Hear, hear.) But he had not yet lost all hope that the bill might be thrown out. This bill was intended to do away with the system of jurisprudence which had been in existence for eight years, a system which he would not hesitate to declare had worked well. It was true there had been complaints, and it was not surprising that there had been; in a system so extensive it was perfectly natural. There is nothing of human institution which is perfect; but this does not prove that the system is so very objectionable that it is necessary to overturn it altogether. It is not believed in the country that such a bill as this will pass this house; if it were believed, we would have petitions almost without number in opposition to it. It has been said that the opposition to the measure arises from the selfishness of the commissioners, who wish to retain the petty power which they possess; but hon. members seem to forget that the proportion of the gentlemen of the legal profession in this house is very large, while those whose occupation is to till the ground are few in number. Now, this measure provides a very comfortable living for seventeen of these lawyers; and I will call upon those legal gentlemen who have seats in this house to take care that selfishness be not imputed to them in this matter. (Hear, hear.) The court as at present established may be truly said to be the poor man's court, a more common sense arbitration of differences between neighbors; but when this complicated machinery comes to be substituted, a system of law rules established, it will embarrass the operation of the system, instead of improving it. — I am sorry to see the hon. gentleman from Oxford so much in favor of this measure. I hope he is yet open to conviction, and that he will not so easily be led to sacrifice the interests of the yeomanry of this Province. If there are complaints against the present system let them be remedied, but do not destroy the whole system. (Hear, hear.) I will venture to say there have been more verdicts of juries set aside than there have been complaints against these courts. Then why not do away with the trial by jury? (Hear, hear.) There are now 1060 Commissioners, and you propose to substitute by 17 Judges, one for each District. Now it is possible that one man can perform the duty which it has required the several Commissioners in the District to perform without

protracting the sitting of each court to an unwarrantable length of time. You hold your courts but once in two months, you by this means give the Judge four times the amount of business which the Commissioners ((have)) in a single court, and when you multiply ((thus)) the number of divisions in each township which you by this act consolidate, you have nearly twenty times the business which is at present transacted by three or four Commissioners. How, then is one man to get through it? The suitors must be in attendance, the jury must be in attendance, and the witnesses must be in attendance. But the hon. gentleman says the Jury cases will be tried first. Well, ((that)) only makes the matter worse, for the poor man must wait before he can obtain a hearing of his ((small)) claim until the larger ones are disposed of. ((Yet)) another provision in this bill which is highly objectionable, and which deserves particular attention is, that the evidence of the plaintiff or of the defendant is inadmissible. Those small claims, therefore, of which no proof can be brought cannot be recovered. All this bears oppressively on the ((poor)) man, and it also affords an opportunity to men who are rogishly inclined to practice frauds. He (Mr. Roblin) felt very reluctant to question the usefulness of a measure introduced by an hon. and learned member, but he believed he could satisfactorily show to that hon. house that the measure was defective in many respects. He had already alluded to some points which he believed would be found to be exceedingly mischievous in their effects.

Mr. Roblin then proceeded to compare the expenses of the present court with those of the one proposed to be established. It had been shown from the returns which were in the possession of the house that the expenses of the Courts of Requests for the upper province, as at present established, amounted to £10,000, out of which about two-thirds are bailiffs' fees, and the remainder belongs to the commissioners and clerks. The salaries of the judges and clerks, under the new system, together with the percentage allowed to the treasurers, would amount to more than double that amount for the performance of precisely the same duties. You have a jury and that jury is to be paid, which materially raises the amount. All questions submitted to the ((session?)) of the jury will be decided by a majority, and the majority consists of three, only equal to the ((?)) who usually sit in each Court of Request. Another thing which will materially swell the expense is that bailiffs are required to serve all subpoenas. ((But)) the worst feature of the bill is that it does not require an oath from judges and clerks, and it refuses to receive the testimony of the parties on oath so a man who has paid for a piece of work without taking the precaution to provide a witness to the agreement may be sued and obliged to pay over again. (He should take a receipt.) Yes, take a receipt signed with a cross, and go hunting for a witness to the signature, it would be like the Welland Canal accounts! (hear, hear.) There is nothing in this Bill to compel a judge to administer an oath to the jurymen, (very true there is no swearing.) I suppose all parties are to be considered above perjury. I hope hon. gentlemen will reflect well before they adopt a measure so defective as this. (Hear, hear.)<sup>12</sup>

**Capt. Steele** ... ((said a word or two)) in favour of the new Bill....<sup>13</sup>

**Mr. Draper** ... ((supported the bill.)) Among other observations, he said that the situation of a representative of the people, could scarcely be considered otherwise than as degrading — if without being allowed to form any opinion of *his own*, he was to be the slave of any capricious ignorance, that the days past might order him to bow to. What was aimed at solely, was to give to the people educated and efficient men, who were capable of doing the duty required of them, and were entirely free from all prejudices of locality.<sup>14</sup>

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Motion for discharging the Order lost, and Bill read third time.

The question having been put upon the said motion, a division ensued, and it passed in the negative.

The said Bill was then, according to order, read for the third time.

Mr. Attorney General *Draper* moved, seconded by the Honorable Mr. *Killaly*, that the Bill do pass.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth :

YEAS.

<i>Baldwin,</i>	<i>Draper, Hon. W.H. Moffatt, Hon. G. Small,</i>
<i>Berthelot,</i>	<i>Dunn, Hon. J. H. Moore, Smith, (Fron.)</i>
<i>Borne,</i>	<i>Foster, Neilson, Sherwood,</i>

<i>Boswell,</i>	<i>Hale,</i>	<i>Parent,</i>	<i>Steele,</i>
<i>Burnet,</i>	<i>Harrison, Hon. S.B.</i>	<i>Parke,</i>	<i>Taché,</i>
<i>Cameron,</i>	<i>Hincks,</i>	<i>Powell,</i>	<i>Turcotte,</i>
<i>Child,</i>	<i>Holmes,</i>	<i>Price,</i>	<i>Viger, Hon. D.B.</i>
<i>Christie,</i>	<i>Johnston,</i>	<i>Quesnel,</i>	<i>Watts,</i>
<i>Daly, Hon. D.</i>	<i>Killaly, Hon. H.H.</i>	<i>Raymond,</i>	<i>Williams,</i>
<i>Derbshire,</i>	<i>McNab, Sir A. N.</i>	<i>Robertson,</i>	<i>Woods. — 40.</i>

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NOES.

<i>Armstrong,</i>	<i>Durand,</i>	<i>Morin,</i>	<i>Thompson,</i>
<i>Boutillier,</i>	<i>McLean,</i>	<i>Noel,</i>	<i>Thorburn. — 11.</i>
<i>Cook,</i>	<i>Merritt,</i>	<i>Roblin,</i>	

Bill passed.

So it was carried in the affirmative, and —

*Resolved* — Accordingly.*Ordered* — That Mr. Attorney General *Draper*, do carry the said Bill to the Legislative Council, and desire their concurrence.On motion of Mr. *Watts*, seconded by Mr. *Thorburn*,*Ordered* — That the Petition of *Bernard Smith*, and others, Inhabitants of the 2nd Range of the Township of *Durham*, presented to the House on the 30th of *July* last, be referred to the Special Committee to which was referred the Petition of divers proprietors residing in the 3rd Range of the Township of *Durham*, County of *Drummond*.*Ordered* — That Mr. *Prince*, be added to the said Committee.Mr. *Prince* added to Committee.Special Committee on Petition of *Farewell*, *Butterfield* and others presents report.Mr. *Small*, from the Special Committee to which was referred the Petition of *A. M. Farewell*, *Abram Butterfield*, and others, of the Townships of *Whitby* and *Darlington*, and other references, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth : —Report on Petition of *Farewell*, *Butterfield* and others.

"Your Committee have taken the prayer of each Petition into their consideration, and from the circumstances connected therewith they refrain, for the present, from recommending them to Your Honorable House, but herewith beg to submit an Address to His Excellency, the Governor General, praying that he will be pleased to cause a survey to be made of the proposed improvements, by a competent Engineer, with as little delay as possible, stating the probable expense of each, and the one best calculated to meet the present wants of that part of the Country, and whether it would be beneficial to the public that either, or both, of said Harbors should be undertaken by the Government.

To His Excellency the Right Honorable *Charles Baron Sydenham*, of *Sydenham* in the County of *Kent*, and of *Toronto* in *Canada*.  
&c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY :

Address to His Excellency for Survey *Annis's Creek* and *Black's Creek* in Township of *Whitby*.

We, Her Majesty's dutiful and loyal subjects, the Commons of *Canada* in Provincial Parliament Assembled, respectfully beg leave to represent to Your Excellency that two Petitions have been presented to this House, during the present Session, from certain Inhabitants of the Township of *Whitby*, praying to be incorporated into separate Joint Stock Companies, for the purpose of constructing Harbors at the mouths of *Annis's Creek* and *Black's Creek*, in the said Township.

That without further information this House do not deem it expedient that both Companies should be incorporated, the present trade of that part of the Country not appearing to require it.

We therefore pray that Your Excellency will be pleased to cause a survey and report forthwith to be made, at the expense of the parties, by a competent Engineer, of each intended Harbor, stating the one best calculated for such a purpose as also the probable expense attendant upon the said improvement, and whether it would be beneficial to the



Public that either, or both, of the said Harbors, should be undertaken by the Government."

House concurs in  
Address.

On motion of Mr. *Small*, seconded by Mr. *Price*,  
*Resolved*—That this House doth concur with the Committee in the said address to His Excellency, the Governor General.

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*Ordered*—That the said address be presented to His Excellency, by such members of this House as are of the Honourable the Executive Council of this Province.

Bill to incorporate  
Montreal Board of  
Trade brought in  
and read first time.

The Honourable Mr. *Moffatt*, from the Select Committee to which was referred the Petition of *Robert Armour*, and others, merchants of the city of *Montreal*, praying for an Act to incorporate the Board of Trade of the said City, with power to report by Bill or otherwise, presented to the House a Bill to incorporate the *Montreal* Board of Trade, which was received and read for the first time.

*Ordered*—That the said Bill be read a second time on *Friday* next.

Second reading  
Friday next.

Final Report of Select  
Committee on  
Hastings contested  
election.

Mr. *Merritt*, Chairman of the Select Committee appointed to try and determine the merits of the Petition of *T. Parker*, and others, of the county of *Hastings*, in the district of *Victoria*, complaining of the undue election and return of *Robert Baldwin*, Esquire, as a member to represent the county of *Hastings* in the present Parliament, presented to the House the final report of the said Committee, which was again read at the Clerk's table as followeth :—

The Committee of Your Honourable House appointed to try the merits of the petition of *Thomas Parker*, and others, against the Return of *Robert Baldwin*, Esquire, sitting member for the county of *Hastings*, to represent the said county in this present Parliament, have the honour to report the following Resolutions :—

*Resolved*—That the exception taken in the first allegation of the Petition is not sufficient to invalidate the election of the sitting member.

*Resolved*—That no evidence having been offered upon any of the other allegations contained in the Petition, and neither the Petitioners, their Counsel, or Agents, appearing to support the same, this Committee is of opinion that the said Petition is frivolous and vexatious.

*Resolved*—That the opposition of the sitting Member to the Petition is not frivolous or vexatious.

W. H. MERRITT,  
Chairman.

Committee Room, Legislative }  
Assembly, August 3d 1841. }

Select Com. on  
Petition of P. A. De  
Gaspé, presents  
report.

Mr. *Christie* from the Special Committee to which was referred the Petition of *Philippe Aubert De Gaspé*, late Sheriff of the District of *Quebec*, with power to report by Bill or otherwise, presented to the House the report of the said Committee, which was again read at the Clerk's table, as followeth :—

Report.

"According to the papers laid before your Committee on the part of the Petitioner, it appears that he has been incarcerated since the month of *May*, 1838, pursuant to a judgment of the 20th. of *June*, 1834, in favor of the Crown against him, for £1169 14 currency.

It appears to your Committee that Mr. *De Gaspé*, in *May*, 1836, made and delivered into the Court of King's Bench of *Quebec*, a statement of all the property, real and personal, of which he was then possessed, or expected thereafter to become possessed, in order that by delivering up the same, according to the provisions of the Provincial statute of *Lower Canada*, 6 WILL : 4, Chap. 4, he might be entitled to the limits of the prison, as accorded by the said Act to other insolvent debtors, and which a judgment of the Court of King's Bench at *Quebec* declared him entitled to.

This judgment was however reversed by the Court of appeals, in the month of *November*, 1836, it being held by this Court that the benefit of the statute above mentioned did not extend to debtors of the Crown.

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Your Committee, without questioning the correctness of the decision of the Court of appeals, views, Mr. *De Gaspé's* case as one of hardship. The surrender of all his property, present and in expectancy, would have entitled him, were he indebted but to an individual, to exemption from incarceration. — The prerogative of the Crown in the present case is undoubted, — Yet it appears to your Committee that the rigid enforcement of the law, now prolonged beyond three years, in the close confinement of Mr. *De Gaspé*, without benefit to the public creditor, or any reasonable prospect of it by such a course, ought to have a term, particularly as it appears Mr. *De Gaspé's* health is materially impaired by his long confinement. Your Committee have had before them ample proof, in a letter from Mr. *Civil Secretary Goldie*, bearing date at *Montreal*, 15th *August*, 1839, of the favorable disposition of the Government to relieve Mr. *De Gaspé*, on his giving security for the payment of £1170, without interest, which it seems Mr. *De Gaspé* could not find; and they presume to express a hope that such a disposition still prevails — They are convinced that it is foreign to the views of the executive to give to the Law of the Land and oppressive and cruel effect, or the appearance of it, and that it will concur in any measure of relief that may pass the two other branches.

In this belief, and considering the long period during which Mr. *De Gaspé* has been imprisoned, his advanced age, and that his health is impaired by his long confinement, and that he has "given into Court, upon oath, a faithful statement in writing of all the property and estate he possessed in the world," with a view to the discharge of his debts, they respectfully recommend that an Act be passed for his relief, and accordingly report a Bill for the purpose."

Mr. *Christie* then presented to the House a Bill for the Relief of *Philippe Aubert De Gaspé*, which was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Thursday* next.

Mr. *Watts*, from the Special Committee to which was referred the Petition of *James Millar*, and others, inhabitants of the County of *Drummond*, and other references, with power to report by Bill or otherwise, presented to the House a Bill to amend certain Acts of the Legislature of the late Province of Lower Canada, therein mentioned, relating to the establishment of Mutual Insurance Companies, as far as regards the Counties of *Sherbrooke*, *Stanstead*, *Drummond* and *Shefford*, which was received and read for the first time.

*Ordered* — That the said Bill be read a second time to-morrow.

The Honorable *S. B. Harrison*, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from his Excellency, the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the members of the House being uncovered, and is as followeth: —

#### SYDENHAM,

With reference to their Address of the 1st ultimo, the Governor General transmits herewith to the House of Assembly a copy of the Report made to him by the Gentleman who were deputed to investigate certain proceedings at *Toronto* connected with the late election for that city.

For the Report mentioned in the foregoing Message, see Appendix (S.)

De Gaspé's relief bill brought in and read 1st time.

Second reading on Thursday next.

Committee on Petition of James Millar and others, report Bill, for amending Mutual Insurance Act of Lower Canada.

Second reading to-morrow.

Message from His Exclty. the Governor General.

Message with report on Toronto riots.

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Physic and Surgery  
Bill brought in and  
read first time.

*Ordered* — That Mr. Cameron have leave to bring in a Bill to enable persons authorized to practice Physic or Surgery in *Upper* or *Lower Canada*, to practise in the Province of *Canada*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Second reading Wed-  
nesday the 11th inst.

*Ordered* — That the said Bill be read a second time on *Wednesday*, the 11th instant.

Agricultural Society  
Bill brought in and  
read first time.

*Ordered* — That Mr. Cameron have leave to bring in a Bill to continue an Act relative to agricultural societies, and for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Monday* next.

Second reading  
Monday next.  
Order for 2nd reading  
Haldimand Glass  
Works Bill, revived,  
and Bill to be read a  
second time on  
Monday next.

On motion of Mr. Merritt, seconded by Mr. Thorburn,

*Ordered* — That the Order of the day for the second reading of the Bill to establish a Company, to be called "The *Haldimand Glass Works Company*," lost by the adjournment of the House of *Friday*, the 16th of *July* last, be revived, and that the said Bill be read a second time on *Monday* next.

Order of day for  
Com. of whole, on  
Law of possession  
revived and ordered  
for *Friday* next.

On motion of Mr. Roblin, seconded by Mr. Boswell,

*Ordered* — That the Order of the day for the House in Committee to take into consideration the expediency of altering the Law of Possession, so far as relates to erroneous surveys, lost by the adjournment of the House of *Wednesday* last, be revived, and that this House will, on *Friday* next, resolve into the said Committee.

Order of day for  
second reading Sur-  
veyor's Bill revived,  
and ordered for  
*Friday* next.

On motion of Mr. Roblin, seconded by Mr. Boswell,

*Ordered* — That the Order of the day for the second reading of the Bill to grant authority to licensed Surveyors to administer an oath in certain cases, and to protect them while in the discharge of their duty in surveying lands, lost by the adjournment of the House of *Wednesday* last, be revived, and that the said Bill be read a second time on *Friday* next.

Committee of whole,  
to-morrow, on amend-  
ing certain ordinances  
of Special Council.

On motion of Mr. Armstrong, seconded by Mr. Hincks.

*Resolved* — That this House will, on to-morrow, resolve itself into a Committee of the whole House, to consider the expediency of altering and amending a certain Ordinance passed by the Special Council of the late Province of *Lower Canada*, intituled "An Ordinance to provide for the improvement, during the winter season, of the Queen's Highways in this Province, and for other purposes;" also "An Ordinance to amend the Laws relative to winter roads."

Speaker to issue his  
warrant for attendance  
of certain persons to  
give evidence on the  
trial of the St. Mau-  
rice contested election.

On motion of Mr. Morin, seconded by Mr. Noel,

*Resolved* — That Mr. Speaker do issue his warrant, according to law, to require the attendance of Charles Z. Malhiot, of *Pointe du Lac*, Esq.; Modeste Richer, of *Yamachiche*, Merchant; Laurent D. Craig, of *Three Rivers*, Notary; Jean Baptiste Lajoie, of *Three Rivers*, Merchant; Dennis G. Labarre, of *Three Rivers*, Notary; and Ezekiel M. Hart, of *Three Rivers*, Merchant; before this House on *Thursday*, the 12th day of *August*, instant, at 4 o'clock in the afternoon, to give evidence in the matter of the contested election for the County of *St. Maurice*.

Resolutions founded  
on second Report of  
Com. on contingencies  
reported from Com-  
mittee of whole.

Mr. Taché, from the Committee of the whole House on the second Report of the Special Committee on the contingent accounts and expenses of the present Session, reported, according to Order, the Resolu-

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tions of the said Committee, which Resolutions were again read at the Clerk's table, and agreed to by the House, and are as followeth: —



Clerk of House  
£289 0s. 8d.

*Resolved* — That the Speaker of this House do place in the hands of the Clerk of the late House of Assembly of *Upper Canada* the sum of two hundred and eighty nine pounds and eight pence half-penny, to enable him to pay up certain contingent expenses of his office remaining due, as per Report on Contingencies.

Sergeant-at-Arms,  
£96 14s. 0d.

*Resolved* — That the Speaker do place in the hands of the Sergeant-at-Arms the sum of ninety six pounds, fourteen shillings, to enable him to pay up certain contingent expenses of the late House of Assembly of *Upper Canada*, as per report on contingencies.

W. J. Coates, £50.

*Resolved* — That the sum of fifty pounds, currency, be allowed to Mr. *W. J. Coates*, in addition to the amount due him for printing for the late House of Assembly of *Upper Canada*, to compensate him for the loss sustained in not having received payments, from time to time, on account, as had been usual for some time past with contractors.

Mr. A. Patrick,  
£59 16s. 8d.

*Resolved* — That the sum of fifty nine pounds, sixteen shillings, and eight pence, currency, be allowed to Mr. *Alfred Patrick*, to make his salary as a Copying Clerk in the Office of the Clerk of the late House of Assembly of *Upper Canada*, for the past year, equal to £200.

Amendment to Caledonia Bridge Bill, reported, and agreed to.

Mr. *Cook*, from the Committee of the whole House on the Bill to incorporate certain persons under the title of "The *Caledonia* Bridge Company" reported, according to order, the amendment made by the Committee to the said Bill, which amendment was again read at the Clerk's table, and agreed to by the House.

Bill to be engrossed.

*Ordered* — That the said Bill as amended be engrossed.

House goes into Com. on Dalhousie Gaol and Court House Bill.

The Order of the day for the House in Committee on the Bill to authorize a further loan to complete the building of the Court House and Gaol for the intended District of *Dalhousie*, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Burnet*, took the chair of the Committee, and after some time spent therein,

Bill reported amended.

Mr. Speaker resumed the chair,

And Mr. *Burnet*, reported that the Committee had gone through the Bill and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to received the same.

*Ordered* — That the Report be received to-morrow.

Common School Bill read a second time.

A Bill to repeal certain Acts therein mentioned, and to make provision for the establishment and maintenance of Common Schools throughout this Province, was, according to order, read a second time.

And referred to Com. on Tuesday next.

*Ordered* — That the said Bill be referred to a Committee of the whole House, on *Tuesday* next.

House goes into Com. on freedom of election Bill.

The Order of the day for the House in Committee on the Bill the better to provide for the freedom of Elections throughout this Province, and for other purposes therein mentioned, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Barthe*, took the chair of the Committee, and after some time spent therein,

Progress.

Mr. Speaker resumed the chair,

And Mr. *Barthe*, reported that the Committee had made some progress, and directed him to move for leave to sit again.

Sit again on Friday.

*Ordered* — That the said Committee have leave to sit again on *Friday* next.

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On motion of Mr. *Baldwin*, seconded by the Honourable Mr. *Harrison*,

Foregoing order of day discharged and bill referred to Select Com.

*Ordered* — That the said Order of the day be discharged, and that the said Bill be referred to a select Committee, composed of the Honourable Mr. *Harrison*, the Honourable Mr. *Viger*, Mr. *Neilson*, Mr.

Attorney General *Draper*, Mr. *Merritt*, Mr. *Quesnel*, Mr. *Durand*, Mr. *Morin*, Mr. *Price*, and Mr. *Hincks*, to report thereon with all convenient speed, and that the 77th rule of this House be dispensed with in so far as relates to the appointment of this Committee.

Order of day for second reading Enregistration Bill discharged and Bill referred to a Select Committee.

The Order of the day for the second reading of the Bill to provide for the enregistration of Persons entitled to vote at Elections of Members of the Legislative Assembly of this Province, and to make better provision for the holding of such Elections being read,

On motion of the Honourable Mr. *Harrison*, seconded by Mr. Solicitor General *Day*,

*Ordered*—That the said Order of the day be discharged, and that the said Bill be referred to the select Committee to which is referred the Bill the better to provide for the freedom of Elections throughout this Province, and for other purposes therein mentioned.

Bill for disposal of Public Lands read second time and ordered to be referred to a Committee of whole, on Thursday next.

A Bill for the disposal of Public Lands was, according to Order, read a second time.

*Ordered*—That the said Bill be referred to a Committee of the whole House on *Thursday* next.

Engrossed Bill from Legislative Council (Court of Chancery amended) read second time, and to be referred to Committee of whole on Thursday next.

An engrossed Bill from the Legislative Council, intituled "*An Act to explain and amend an Act passed in the Provincial Parliament of Upper Canada in the seventh year of the reign of King WILLIAM the Fourth*," intituled "*An Act to establish a Court of Chancery in this Province*," and to render more effectual the said Court," was, according to Order, read a second time.

*Ordered*—That the said Bill be referred to a Committee of the whole House on *Thursday* next.

Queen's Bench Bill read second time and ordered to be engrossed.

A Bill to facilitate the dispatch of business in the Court of Queen's Bench of *Upper Canada*, was, according to Order, read a second time.

*Ordered*—That the said Bill be engrossed.

House goes into Committee on Municipal Corporation Bill.

The Order of the day for the House in Committee on the Bill to provide for the better internal Government of that part of this Province heretofore *Upper Canada*, by the establishment of Local or Municipal authorities therein, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Cook* took the chair of the Committee.<sup>15</sup>

Hon. Mr. *Harrison* said, previous to moving for the adoption of the several clauses of this bill, it would perhaps be proper for him to make a few observations upon the nature of the measure. The object of the bill is to put into the hands of the people themselves the management of their own internal affairs. To accomplish this object as far as the eastern part of the Province is concerned, an ordinance was passed some time ago, and is just now going into operation. The present bill is intended to place the western part of the Province upon the same footing. There has been no difference made except such as the respective situations in the different parts of the province rendered necessary. The western part having heretofore been provided with township officers, it was only necessary to support the plan which I have now the honor to submit to this committee. In the eastern part, on the contrary, there having been no such thing in existence, it was necessary to give an individual character to the machinery of this measure. It became necessary therefore, that some slight difference should be made in non-essentials; the main features of which are the same. It may become a very material question whether the Bill as it now is will be satisfactory to this house in all its details. That, however, is a matter of future consideration; at present, it is for the house to decide whether a measure of this kind should be adopted and a trial given to it.<sup>16</sup>

Mr. *Viger* said he had been at considerable pains in examining the ordinance of Lower Canada upon this subject, and he was sorry to say it was of such a character as no man could approve it. It had been passed by a set of men who did not represent the people. By it a new machinery of government had been established, for which there was no example in the whole civilized world.<sup>17</sup>

Hon. Mr. Harrison said it was true there were no precedents for these institutions precisely in the form adopted by the ordinance, and that contemplated by the bill. But there were abundance of precedents which were substantially analogous. One he would mention was the vestry system. The great principle of both systems was local taxation and expenditure. The only difference was that the councils were to be made bodies corporate in order to give them an existence beyond the passing year.<sup>18</sup>

Mr. Viger. — The vestry system is the parish system, and that is well known in England, Scotland, Ireland, in France, and Lower Canada, but I would like to hear the hon. gentleman point out the analogy between that system and the ordinance of Lower Canada. What are the provisions of this ordinance? I shall not follow the several clauses, but will notice merely the material features. First, the Governor divides the Province according to his own will; he parcels it out in to a district; he appoints certain of the officers of the councils; he controls the meeting of the councils, and he has the power of dissolving them at pleasure and these are called the municipal corporations, institutions for the people's self-government! If this house is ready to swallow so palpable a deception I am very much mistaken. Oh! but it will ((do)) very well for the poor Canadians, hon. gentlemen will say, who are not more than half civilized! ((who)) have no right to govern themselves! I hope at least that the remainder of the province is not going to share the same fate; that although we Lower Canadians have a Special Council made for us, which provides laws for our government, without so much as leaving us a voice either in the making of the laws or the enforcing them; that although we have a government which kindly relieves us from all ((such)) responsibility as looking after our own interests, yet I confess I am so selfish that I do not desire to extend those great advantages to Upper Canada. I do not desire that you shall be told, you shall have the power of regulating your own affairs, you shall elect your councils, but mind you, I shall appoint the officers of those councils; I shall regulate their sittings; I shall assent to or annul such of their acts as I please, and I shall dissolve them when I think proper. And this is giving the people power! ((If)) it be power, it is a strange sort of power; it is certainly the power of doing very little. I will refrain from going more at length into this subject at present, I think I have said enough to induce this ((hon.)) house to pause before they accept this shadow of a power which is professed to be given to the people by the bill now proposed for our adoption.<sup>19</sup>

Mr. Durand said he rose merely for the purpose of making a few remarks upon the principle of the bill. It was that prominent and important measure which had been anxiously looked for by the people, he was convinced that it would prove a boon to the country. By it we should recover the advantages which had been lost by the passing of the Union Bill. ("Hear, hear," — laughter.) We formerly had the right to originate money bills: in place of this we are now to have local self-government. (Hear, hear.) As far as regards the principle he fully ((concurred)) in it, he thought the people were perfectly competent to manage their own affairs. (Oh yes.) Nevertheless he believed there were some clauses which were objectionable, and which he hoped would be so modified as to meet the approbation of the people.<sup>20</sup>

Mr. Baldwin said he could not help expressing some little surprise at the manner in which the hon. and learned gentleman had brought forward this measure, which he seemed to consider one of the great measures which the people look for from the government; but he seems to think it necessary to make some sort of apology for its introduction. — He feels that it is not such a bill as ought to be submitted to the representatives of the people (hear, hear:) else wherefore make an apology? I am absolutely astounded that an administration as strong in the confidence of the people, as we are bound to suppose this is, for we have been repeatedly informed that this is the case, should have considered that one of their great measures required an apology for its introduction. It is perfectly well known that I am in favor of establishing municipal corporations, but I certainly feel great objections against the details of this bill, and I came down to to (sic) the house this evening with the expectation of hearing the hon. and learned gentleman propose to postpone its consideration, in order that the existing differences might be reconciled; and I would now suggest that the committee rise, report progress and recommend the measure to be referred to a select committee.<sup>21</sup>

Mr. Solicitor General Day rose and said he thanked the hon. and learned gentleman for his extreme good nature, and for this very kind offer to relieve himself and colleagues from trouble. The disposition manifested by the hon. and learned gentleman was highly



creditable to him, and exceedingly gratifying to the feelings of himself and his colleagues; however, continued Mr. Day, as the country expects from us these measures, I beg leave to decline the very liberal and kind offers of the hon. and learned gentleman. (Hear, hear.) I view this measure as a measure of immense importance: perhaps it is the greatest political step which has ever been taken by any government in the way of legislation; it is one, however, which ought long ago to have been carried into effect; the people ought to have been long ere this period placed in a situation to manage their own local affairs. It is a measure which I have no hesitation in declaring is calculated to confer great benefits upon the country. It must be borne in mind that the measure is one of a novel character, and I would put it to the good sense of any hon. member whether in the creation of a power of this kind is ((it)) not a matter of common prudence to retain certain checks upon its operation, that the machinery may be put fairly in motion, and when the people have become familiar with the operation of the system, alterations may be made, if found necessary; and I will say with regard to these municipal corporations, they partake of a political character, distinguishing them from mere corporations of an ordinary character. The hon. and venerable member for Richelieu says this bill is unprecedented: it is unprecedented in liberality! (Hear, hear.) The hon. and learned member objects to the power of disallowance of the by-laws of the District Councils being vested in the Executive, and also the power of dissolving the councils; these are not greater powers than exist with regard to this legislature (hear, hear;) and as to the appointment of the Wardens, the appointment of Lord Lieutenants of counties in England is in some degree a precedent. Suppose it should happen, after these District Councils had been elected, one of those changes in public opinion, which is so fluctuating, should occur, and it should become necessary to dissolve the Legislature, unless the power of dissolving the councils also be lodged in the crown, we might have, and undoubtedly would have these councils setting themselves up at variance with the Executive and with one another. (Hear, hear.) — With respect to the Governor dividing the province into districts, according to his own will, I am surprised that the hon. gentleman should object to that: it is strictly a constitutional course. I am quite satisfied my hon. and learned colleague did not intend to be understood as offering any apology for the introduction of this measure; it carries its own analogy; and if it be considered necessary to assimilate its provisions to those of the law of Lower Canada, this does not deteriorate its qualities or depreciate its merits.<sup>22</sup>

**Sir Allan MacNab** said he did not rise to speak as to the merits of the bill, but as to the manner in which the bill had been introduced. The hon. Solicitor stated it was unnecessary that any apology should be offered for the introduction of this bill. He is quite right, after the proceedings of the Special Council in Lower Canada in adopting a measure of this description in obedience to the wishes of the government — a measure which is exceedingly obnoxious to the people. (No, no — hear, hear.) The administration ((is)) now desirous of getting the people of Western Canada into the same boat, and then if you have strength enough to alter the law you may do so. If the Lower Canadians really disapprove of the measure, let them stand forward and assist in preventing it from being thrust upon us. — Will they lend themselves to the administration to force upon the people of Upper Canada a measure they do not want? (No, no.) The object of introducing the bill in the manner it has been introduced, is very apparent.<sup>23</sup>

**Mr. Hincks** said he entirely concurred with the objections of the hon. and venerable member for Richelieu and others, with whom he had generally the satisfaction of acting, as to some of the details of the measure; but he was at the same time a strong advocate for the principle of allowing the people to administer their own local affairs; and he would caution hon. members from Lower Canada against confiding in the assertions of the learned member for Hamilton, that the measure is not desired by the country. He (Mr. Hincks) would assert that the people of Western Canada are most anxious for a measure of this description. This is the great measure which is anxiously desired particularly by the Reformers of Canada with whom he (Mr. Hincks) had the satisfaction to act. He would warn hon. members against being led astray by the assertions of an hon. and learned gentleman who had always been opposed to the principle of allowing the people to have the management of their own affairs. The people of Western Canada, it would be recollected, are subject to taxation, the expenditure of which is managed by an irresponsible Magistracy — a Magistracy appointed by the Executive over whom the people have no control. Talk about the appointment of Clerks and Treasurers! Are they not appointed by the Executive at present? Yet we hear the bill, with all its other excellent provisions

objected to because these appointments continue in the hands of the government. Although he (Mr. Hincks) was not in favor of many of the details of the measure, yet he would support the bill ((for)) the sake of the principle which it concedes.<sup>24</sup>

**Mr. Viger** said he did not wish to be considered adverse to municipal institutions; but these were not municipal institutions such as they ought to be. The measure was never submitted to the consideration of the Lower Canadians. Had it been so submitted it would not have become a law, because it was a most iniquitous law — it was one altogether without example. It was an execrable policy that experiments of this kind should be forced upon the people. Instead of being subservient to the good government of the country, it was calculated to destroy the harmony and tranquillity of the country.<sup>25</sup>

**Mr. Williams** — The Hon. gentleman from Oxford (Mr. Hincks) has stated that the entire community are in favor of this measure. I deny this position. (Hear, hear.) I have as good an opportunity of knowing the wishes of the country as any hon. gentleman, and I say the large body of the Reformers of this Province are opposed to the measure. (No, no.) The hon. gentleman has also stated that the expenditure of monies is under the control of an irresponsible Magistracy. I say it could not be placed in better hands. And to convince the house that elective institutions are not in all cases so very desirable, I will merely refer hon. members to an Act which was passed in the Upper Canada Legislature, taking the control of the Statute Labor out of the hands of the Magistrates and placing it in the hands of three Commissioners. What was the consequence? Nothing was done. No Statute Labor was performed. (Hear, hear.) The Legislature were obliged to repeal the law. With regard to the bill there were many obnoxious clauses to which he could never give his consent, nor would he pledge himself to support the bill in any shape.<sup>26</sup>

**Mr. Johnston** was for recommitting the bill. — <sup>27</sup>

**Mr. Hincks.** — The hon. gentleman from Durham says that the reformers of this province are not in favor of a measure of this description. I can only say I am at a loss to understand what sort of reformers they can be. I am not surprised at the opposition of the hon. gentleman: the hon. gentleman alluded to the township officers' act; that act was passed during the reform parliament. The act worked well; but there was a certain other parliament afterwards, the bread-and-butter parliament, which never represented the people: the very first act of that parliament was to repeal this act, because it gave a little power to the people. (Hear, hear.) And this is what the hon. gentleman calls the sense of the people being against the act. Yes, they were gentlemen of the same politics with that hon. member, who seized the very first opportunity which was afforded them of preventing the people from exercising any management (sic) whatever over their affairs. And as to the magistrates being such excellent guardians of the public money he (Mr. Hincks) could not regard them as being so very immaculate as the hon. gentleman seemed to do.<sup>28</sup>

**Mr. Cameron** said it was certainly very evident that there was a great diversity of opinion both in the country and in that house with regard to this measure. Some hon. members consider it not sufficiently liberal — others that ((it)) is too liberal. The hon. gentleman from Durham has attacked the bill in a very indirect manner. That... gentleman is a Magistrate in the Newcastle District, where, no doubt, they are very honorable and pure. But they are far from being so in the county which I have the honor to represent. The funds of the District are expended in a manner that is not very creditable to them; partially, ignorantly, and injuriously to the interests of the District. And with respect to the statute labor, their conduct has been in many instances unjust and oppressive. And it is upon this ground that the Magistrates are not the proper persons to have the control of the public funds, that this bill is so imperatively required.<sup>29</sup>

**Capt. Steele** said that the conduct of the Magistracy of the Home District called loudly for amendment; it was rank with abuses. Gentlemen of the Lower Province, beware how you listen to the seductive language of those who have a personal interest in the defeat of this measure. Depend upon it if you unite with the opponents of this measure you will have reason to regret the day you did so. I want to see these Provinces what they have been, united in loyalty. (Hear, hear.) It is only by the adoption of liberal institutions of this kind that the connection of these Provinces with the mother country can be perpetuated. (Hear, hear.) I do sincerely deprecate any thing like the existence of an invidious distinction between the upper and lower sections of this Province. I will unite with you in endeavoring to obtain those liberal institutions with reference to the whole Province which the country



has a right to expect from the government. This measure I look upon as one of that description. I am perfectly satisfied that a greater boon could not be granted to the country. The Israelites never looked with greater eagerness for the promised land than the country has looked for this measure. (Hear, hear.) It will be the foundation of our future greatness. The principle of the bill shall receive my most determined support, and if we unite in securing its adoption we shall never have occasion hereafter to envy any nation upon earth. (Hear, hear.) We have now the means within our power of producing a better state of things. But if you look with jealousy upon this measure, if you unite with its enemies, depend upon it, you will lament the course you have taken. — (Hear, hear.)<sup>30</sup> The way in which the district funds had been disposed of, he said, had been from beginning to end, a scheme of smuggling and mal-appropriation, for instance the gaol and court house of Toronto, to which the inhabitants of Simcoe had contributed so much, and which remained in a state that excited general indignation. The plan was Lord Durham's, and would enable the inhabitants to tax the wild lands, which were now lying idle in the hands of drones, and carry out such improvements as would tend to the prosperity and happiness of the people.<sup>31</sup>

**Mr. Price** said he was decidedly in favor of the bill, from knowing that the county which he had the honor to represent was almost unanimous in its favor; and he believed that every thinking man must also admit that it is one of those measures which the country requires. With respect to details of some of them he would feel it his duty to oppose. There was a power given to the Executive which he could not see the utility or the policy of conceding. He was decidedly opposed to the power of dissolving the Council being given to the Executive Government. It might be proper, provided we had got, not in name only but in reality, that system of government which has made Great Britain what she is. But he had yet to learn that in this Province that system exists, or if it exists, that it can be considered secure. We do not know what result the elections in England may produce, (hear, hear,) or who may succeed Lord Sydenham in the government of this Province. (Hear, hear.) I am prepared to place implicit confidence in the stability of responsible government, and I would not therefore consent (sic) that powers such as those expressed in this bill should be placed in the hands of the Executive Government. (Hear, hear.) The people are perfectly competent to manage their own affairs. The learned Knight from Hamilton is perfectly right in giving a strong opposition to this measure. He has ever been a consistent Tory, and it is a principle of Toryism to keep as much as possible all power from the people. (Hear, hear.) But I am satisfied the measure is one which is desired by nine-tenths of the people. A great deal had been said about the conduct of Magistrates. This much he (Mr. Price) would say, if they were as regardless of the public funds as they were of the lives of their fellow-subjects, they could scarcely be considered good and faithful stewards. (Hear, hear.) He could scarcely bring himself to believe that men who would stand calmly by and see their fellow subjects murdered in cold blood without raising the arm of power to rescue them, would be faithful guardians of the public purse. He hoped hon. members would manage to improve the bill so as to give it to the country as a real boon, and it would meet with his decided support.<sup>32</sup>

**Mr. Boswell.** — The matter at present engaging the attention of this hon. committee, is one of very considerable importance, and I regret that my hon. friend should meet it in a spirit of hostility. The question is, is a change necessary? Is it necessary to create any new machinery for the expenditure of taxation throughout the Province? Is it possible for this legislature to attend to all matters great and small which require to be regulated throughout the Province? And let this question be put to every hon. gentleman on the floor of this house: are you willing to entrust the magistrates of this Province with the power of levying taxes and expending them? (No.) The question then will be what sort of institutions shall be introduced? In the consideration of this question it will be necessary to ascertain whether the people are sufficiently educated and enlightened to be entrusted with a power of this description. (Yes.) I have lived among them for twenty years, and I do not hesitate to assert, that there is not a more intelligent people on the face of the earth. (Hear, hear.) If it can be said that they are not to be entrusted with a power of this description, how is it that we have an Assembly of this description? (Hear, hear.) The very existence of this Legislature shows that the people are fitted for the exercise of even higher powers than those contemplated by the bill.<sup>33</sup>

**Mr. Cartwright** said he was almost inclined to believe from the manner in which this measure had been introduced that the intention of the government was to pave the way



for the introduction of republican institutions into this province. (Hear, hear.) Every one at all acquainted with democratic institutions knows that whenever you make a concession, however slight and unimportant, you may be assured you will have to follow it up with further concession, or else all you have done goes for nothing. (Hear, hear.) It has been said that this measure has long been sought for by the people. I deny it, because if they were desirous of having a measure of this description, we should have had petitions sent to the house praying for the passing of the Bill. The people could not have imagined that such a bill would have been introduced by the government, because the principle was repudiated by the Imperial Parliament. (Hear, hear.) What does this bill propose to do? To establish seventeen subordinate Parliaments in this Province, (hear, hear,) and in a little time these little councils will become great councils, and before ten years, the governor of this province will be elected by the people. (Hear, hear.) Hon. gentlemen may laugh, but we have seen things as strange as this and that within the last few years. I do not think it necessary to go very minutely into the details of the bill: I think there are some which the hon. and learned gentlemen on the Treasury Benches themselves will not support. The bill will virtually prevent any poor man from purchasing property for the benefit of his posterity, because the taxes upon it in ten years would consume the whole. By the operation of this bill taxes will be increased ten fold. (Hear, hear.) The hon. gentleman from Oxford cries hear, I have no doubt he would like to see republican institutions introduced into this province. I give him full credit for sincerity in his support of this measure.<sup>34</sup>

**Mr. Boswell** said it was out of order to question the motives of the hon. member.<sup>35</sup>

**Mr. Cartwright.** — I assure the hon. gentleman from South Northumberland I do not question his motives; they are perfectly apparent; he is looking for something besides the country's good in supporting this ministerial measure. (Hear, hear, much laughter.)<sup>36</sup>

**Mr. Boswell.** — The hon. and learned gentleman is altogether out of order.<sup>37</sup>

**Mr. Cartwright** continued. An hon. gentleman in the course of the debate made use of this remark — "when I see an organic change about to be introduced I wish that the new system should be as perfect as possible, that it may give entire satisfaction to the people." That hon. gentleman has acted against me not only in this house but in previous Parliaments of Upper Canada; but I entirely subscribe to this doctrine. The present is unquestionably an important measure, because it is a measure which is at variance with the constitution. (Hear, hear.) I think we ought to hesitate before we introduce a measure which has been already rejected by the Imperial Legislature. A good deal has been said with regard to the old system; it is very well known that under the old system, magistrates have very little power with respect to the expenditure of the District funds; and if they do any thing wrong the law is open to the aggrieved party, or to complaint on the part of the public, and I believe you will get more speedy justice against magistrates than you will ever be able to get from the Districts. (Hear, hear.) In the multitude of Councillors there may be safety, but it will be safety for the Councillors themselves and not for the public. You will have seven hundred persons elected in the province of Upper Canada, one third of whom are to be renewed every year; where then will be the peace and quietness and freedom from turmoil and disturbance which was thought so desirable the other day when the bill to naturalize foreigners was under discussion and there was a forcible comparison drawn between our institutions and those of the United States? This bill instead of being productive of those benefits which are so loudly vaunted by hon. members, will be, in my opinion, destructive of the prosperity of the country.<sup>38</sup>

**Mr. Baldwin** said he could not concur with the hon. and learned gentleman from Lenox (sic) and Addington. Although he was willing to attribute to that hon. and learned gentleman, on all occasions, due credit for candor and sincerity, yet he had drawn such a frightful picture of little republics about to be established by this bill, and of one district making war upon another, that he (Mr. Baldwin) really thought the hon. and learned gentleman must be laboring under some hallucination. If the hon. and learned gentleman would look into the history of municipal institutions as they exist in England, and even in this province; in the city of Toronto, and in the present metropolis, he would have little reason to be apprehensive as to their operation; he would find that the bloodshed and battery which he dreads exists only in his imagination. He (Mr. Baldwin) did not wish to be pressed into a vote upon this bill without full consideration, and until he learned from the hon. and learned gentleman who brought the measure forward what modification he was willing to admit.<sup>39</sup>

**Mr. Merritt** said this was the first measure, local self-government, that was proposed to be instituted by Lord J. Russell. England, he said, looking at its corporate bodies, was composed of an infinity of little republics. Taxing the wild land, he regarded as of great benefit to the roads, and instanced Toronto as having risen from a muddy miserable locality to its present enviable rank of the first city of Upper Canada, by the act of incorporation. He was opposed to the warden being elected by the Governor, and called upon the Lower Canadians to co-operate with them in maturing a good bill, and in return they should cheerfully have their exertions to benefit them in a similar manner.<sup>40</sup>

**Mr. Morin** said it was difficult for him to determine whether to vote for this measure or not, as the Upper Canada members were so much divided upon it; at all events he was not prepared to give his vote for the bill as it stands. He believed it was good in principle, but decidedly bad in its details.<sup>41</sup> Mr. Morin preferred *one* good bill for the Province generally, instead of that sectional distinction which would leave Lower Canada subject to the Municipal Ordinance which, in opposition to the wishes of the people, still prevailed there.<sup>42</sup>

**Mr. Neilson** said he believed that a majority of that house desired that the power of local self government should be given to the people of both provinces. He confessed however, that the project did not seem calculated to give them that local self government. (Hear, hear.) If they were not to have a free and correct representation it would have an injurious effect; the interests of the many would be sacrificed to the interests of the few. If persons are to be appointed by the Governor to preside at these Councils, and to fill the offices connected with them, there will be want of confidence on the part of the people; and of all things a want of confidence is the most fatal in the affairs of government. Such a system cannot prevail; it will be put down by the force of public opinion. He (Mr. Neilson) was not inclined to say that all the power should be given to the people; it must be only such power as is known to the British Constitution; but as the bill stands it gives a semblance only of self government, while in reality it is a complete system of despotism.<sup>43</sup>

**Mr. Baldwin** moved that the committee rise and report progress.<sup>44</sup>

**Mr. Hincks** said, before the question was put he hoped the committee would indulge him in replying to some observations which had been made by the hon. and learned gentleman from Lenox (sic) and Addington. The hon. gentleman was pleased to give me credit for candor and sincerity, and at the same time to state that I am in favor of republican institutions. I defy that hon. gentleman to make good his assertion. (Hear.) I have advocated, it is true, the principles of responsible government, but when hon. gentlemen state that I have ever penned a line in favor of the introduction of republican institutions into this country, it is a gross libel. (Hear, hear.) With reference to taxation, I say the people of Upper Canada are willing to be taxed more than they are, provided those taxes are expanded judiciously in public improvements. (Hear.)<sup>45</sup>

**Mr. Parent** said, although he was not accustomed to speak very often or very long in that house, it might be proper on this occasion that he should express his views with regard to the bill. He would readily have joined with members from the western section of the province in framing a general law, based on liberal and proper principles, which should be applicable to both provinces. He was in favor of municipal government but he was also in favor of equal justice. His ideas upon the subject were based upon the broad principles of an enlightened policy.<sup>46</sup>

**Mr. Attorney General Draper**, in the absence of his hon. friend who had introduced the bill, assented to the proposition that the committee rise, report progress, and ask leave to sit again....<sup>47</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair,

Progress.

And Mr. Cook reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Sit again on  
Thursday next.

*Ordered* — That the said Committee have leave to sit again on Thursday next.

Then, on motion of Mr. Parent, seconded by Mr. Attorney General Draper,

The House adjourned.

## Footnotes — 3 August 1841.

1. The debate ensuing was reported by: KINGSTON CHRONICLE, 7 August 1841; MONTREAL GAZETTE, 6 August 1841; BRITISH COLONIST, 11 August 1841; KINGSTON CHRONICLE, 4 August 1841 contains a commentary upon the discussion. When extracts cited from the KINGSTON CHRONICLE, 7 August 1841, contain illegible words, these words are indicated by double brackets.

2. MONTREAL GAZETTE, 6 August 1841.

3. KINGSTON CHRONICLE, 7 August 1841.

4. IBID.

5. IBID.

6. IBID.

7. IBID.

8. IBID.

9. IBID.

10. IBID.

11. IBID.

12. IBID. The MONTREAL GAZETTE, 6 August 1841, noted that Roblin spoke for about one hour. It added: "This agriculturist addressed the House with a fluency and ease that might be expected only from a practiced debater — his arguments were forcibly and clearly explained, though occasionally mixed with sophistry and founded on erroneous views of the Act — his positions were defined, and never got jumbled together, as is often the case with unpractised speakers." The BRITISH COLONIST, 11 August 1841, also took special note of Roblin's speech: "Mr. Roblin was against the bill — exhibiting a power of loquacity that would occupy a whole legion of scribes."

13. MONTREAL GAZETTE, 6 August 1841.

14. BRITISH COLONIST, 11 August 1841.

15. The debate which occurred was reported by: BRITISH COLONIST, 11 August 1841; MONTREAL GAZETTE, 6 August 1841; KINGSTON CHRONICLE, 11, 14 August 1841; LE CANADIEN, 13, 18, 20 August 1841, a translation of the same report found in KINGSTON CHRONICLE, 11, 14 August 1841; WESTERN HERALD, 8 September 1841, condensed from EXAMINER, MONTREAL GAZETTE, COURRIER etc. KINGSTON CHRONICLE, 4 August 1841 provides a commentary. When extracts cited from the KINGSTON CHRONICLE, 7 August 1841, contain illegible words, these words are indicated by double brackets.

16. KINGSTON CHRONICLE, 11 August 1841.

17. IBID.

18. IBID.

19. IBID.

20. IBID.

21. IBID.

22. IBID.

23. IBID.

24. IBID.

25. IBID.

26. WESTERN HERALD, 8 September 1841.

27. BRITISH COLONIST, 11 August 1841.

28. KINGSTON CHRONICLE, 14 August 1841.

29. IBID.

30. IBID.

31. BRITISH COLONIST, 11 August 1841.

32. KINGSTON CHRONICLE, 14 August 1841.

33. IBID.

34. IBID.

35. IBID.

36. IBID.

37. IBID.

38. IBID.

39. IBID.

40. BRITISH COLONIST, 11 August 1841.

41. KINGSTON CHRONICLE, 14 August 1841.

42. BRITISH COLONIST, 11 August 1841.

43. KINGSTON CHRONICLE, 14 August 1841.

44. IBID.

45. IBID.

46. IBID.

47. IBID.



Wednesday, 4 August 1841.

*Petitions brought up.*

Commissioners of  
Mid. Dist. Turnpike  
Trust.  
Margaret Brislane.

Erie & Ontario Rail  
Road Company.

Rev. R. V. Hall,  
and others.

Queen's Bench bill  
passed.

*Petitions read.*

Neil M'Donald, and  
others.

Wm. Cox, Ezra  
Annis, and others.

John E. Mills,  
and others.

Warner Nelles,  
and others.

John De Cew, and  
others.

Daniel Hoover,  
and others.

Petition of Archibald  
M'Donell, and others,  
referred.

Committee formed.

Special Committee  
reports measurement  
of timber bill  
amended.

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The following Petitions were severally brought up and laid on the Table : —

By Mr. Cartwright — The Petition of the Commissioners of the Midland District Turnpike Trust.

By Mr. Baldwin — The Petition of Margaret Brislane, of the Township of Emily, in the District of Newcastle.

By Mr. Thorburn — The Petition of the Directors of the Erie and Ontario Railroad Company.

By Mr. Cameron — The Petition of the Reverend R. V. Hall, and others, inhabitants of the Township of Stanstead, County of Stanstead.

An engrossed Bill to facilitate the despatch of business in the Court of Queen's Bench of Upper Canada, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. Attorney General Draper do carry the said Bill to the Legislative Council and desire their concurrence.

Pursuant to the Order of the day the following Petitions were read :  
Of Neil M'Donald, and others, School Trustees of the Township of Georgina, praying for an aid towards the support of the said School, and to build a House for the Teacher.

Of William Cox, Ezra Annis, and others, of the Township of Whitby, praying for the establishment of Schools, and that the Bible be used as a class book in the said Schools.

Of John E. Mills, and others, in behalf of the American Free School of Montreal, praying for a grant of £100 towards the support of the said School.

Of Warner Nelles, and others, Inhabitants of the County of Haldimand, praying that the County of Haldimand and the adjacent Township of Caistor, be formed into a new District.

Of John DeCew, and others, Inhabitants of the County of Haldimand, praying that the District of Niagara be divided, and that the County Town be at Cayuga.

Of Daniel Hoover, and others, of the Township of Walpole, County of Haldimand, praying that the County of Haldimand be erected into a District, and that the Township of Walpole be attached to the said District.

*Resolved* — That the Petition of Archibald McDonell, and others, of the Townships of Gloucester, Osgoode, and Russell, presented to the House on the 23rd of July last, be referred to a Committee of seven Members, to examine the contents thereof, and report thereon with all convenient speed, by Bill or otherwise ; with power to send for Persons, papers, and records.

*Ordered* — That Mr. Johnston, Mr. Williams, Mr. Price, Mr. Roblin, Mr. Morin, Mr. Merriitt, and Mr. Neilson, do compose the said Committee.

Mr. Cameron, from the special Committee to which was referred the Bill to regulate the inspection and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, at the Ports of Quebec and Montreal, and for other purposes relative to the same,

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reported that the Committee had gone through the Bill and had made several amendments thereto, which amendments were again read at the Clerk's table.

*Ordered* — That the said Bill and Report be referred to a Committee of the whole House on *Monday* next.

Mr. *Thorburn* moved, seconded by Mr. *Cartwright*,

That the period for the Commissioners now taking evidence on the controverted Election for the Town of *Niagara*, on the Petition of *Robert Melville*, and *John McBride*, complaining of the undue Election and return of *Edward Clarke Campbell*, Esquire, the sitting Member for the Town of *Niagara*, to report to this House, be enlarged until the 17th instant.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative.

*Ordered* — Accordingly.

Mr. *Hincks*, from the special Committee to which was referred the Petition of *James Carroll*, and others, Inhabitants of the District of *Brock*, with power to report by Bill or otherwise, presented to the House the report of the said Committee, which was again read at the Clerk's table, as followeth : —

"Your Committee, upon examination, find the circumstances of the case to be as follows : — upon the erection of the County of *Oxford* into a separate District, under the name of the District of *Brock*, *Woodstock* was selected as the District Town, the limits being at the same time so defined as to include only the reserve at the Upper Forks of the River *Thames*, upon which the said Town was built : — the growing importance of the place, however, has induced many Persons to settle upon the land immediately contiguous to the said reserve, whose houses and property the present circumscribed limits of the town will not include —

Your Committee, therefore, deem it expedient, under the circumstances, to comply with the prayer of the Petitioners, and have accordingly prepared a Bill to extend the limits of the Town of *Woodstock*, so as to include Lots 19, 20, and 21, in the Township of *East Oxford*, and Nos. 19 and 20, in the Township of *Blandford*, — a draft of which Bill they beg to submit for the adoption of Your Honourable House."

Mr. *Hincks*, then presented to the House a Bill to extend and define the limits of the Town of *Woodstock*, in the District of *Brock*, which was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Wednesday* next.

Mr. *Watts* from the special Committee to which was referred the Petition of divers proprietors residing in the 3rd Range of the Township of *Durham*, County of *Drummond*, and other references, presented to the House the report of the said Committee, which was again read at the Clerk's table, as followeth : —

"Your Committee, having read the Petition and examined the accompanying plans and statements of Petitioners, can only arrive at the conclusion that the Petitioners have no other recourse than to the Law of the land for relief, unless the Executive Government can afford them that relief which the peculiar circumstances of their case appear to call for."

An engrossed Bill to incorporate certain Persons under the title of "The *Caledonia* Bridge Company" was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Thompson*, do carry the said Bill to the Legislative Council, and desire their concurrence.

Bill and report to be referred to Com. of whole on next Monday.

Period of reporting by Commissioners on Niagara contested election extended to 17th instant.

Special Com. on Petition of James Carroll, and others, present report.

Report on petition of James Carroll, and others.

Woodstock limits bill brought in and read 1st time.

Second reading on Wednesday.

Com. on petition of divers proprietors in 3rd range in Durham, present report.

Report.

Caledonia bridge bill passed.

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Welland Canal private Stock Bill brought in and read first time.

*Ordered* — That Mr. Attorney General *Draper*, have leave to bring in a Bill to authorize the stock held by private Persons in the *Welland Canal* to be purchased on behalf of the Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Second reading to-morrow.

*Ordered* — That the said Bill be read a second time to-morrow.

An Address to be sent to His Excellency the Governor General, for copies of proclamations erecting Municipal districts in Lower Canada, &c.

On motion of Mr. *Morin*, seconded by Mr. *Neilson*,

*Resolved* — That an humble address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, copies of all Proclamations or instruments issued to erect Municipal Districts in the late Province of *Lower Canada*, under the Ordinance of the 4th VICTORIA chapter 4., and to fix the number of Councillors for every Parish or Township in each such District; — and also for determining the places of meeting of each District Council; — and also a list of the Wardens and other Officers appointed in virtue of the said Ordinance; and copy of such instructions as may have been given to the above Officers concerning their Office.

*Ordered* — That the said address be presented to His Excellency by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of Mr. *Hale*, seconded by Mr. *Thorburn*,

Select Committee to try Niagara contested election, adjourned till 17th instant.

*Resolved* — That the select Committee appointed to try the merits of the Petition of *Robert Melville* and *John McBride*, of the Town of *Niagara*, complaining of the undue Election and return of *Edward Clarke Campbell*, Esquire, sitting Member for the said Town of *Niagara*, do stand further adjourned until the 17th instant, at Ten o'clock A. M., in as much as the House has prolonged the time for the return of the report of the Commissioners appointed to take evidence on the subject of the said controverted Election, until the said 17th instant.

Bill for protection of property brought in and read first time.

*Ordered* — That Mr. *Williams*, have leave to bring in a Bill for more effectually preventing wicked and malicious Persons from injuring or destroying real and personal property.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Second reading on Tuesday next.

*Ordered* — That the said Bill be read a second time on *Tuesday* next.

Dalhousie Court House Loan bill, reported, amended & ordered to be engrossed.

Mr. *Burnet*, from the Committee of the whole House on the Bill to authorize a further loan to complete the building of the Court House and Gaol for the intended District of *Dalhousie*, reported, according to Order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

*Ordered* — That the said Bill, as amended, be engrossed.

Sherbrooke rail road bill read second time, and ordered to be engrossed.

A Bill to amend a certain Ordinance of the Legislature of *Lower Canada*, for making a Rail Road from *Sherbrooke* to the river *Richelieu*, was according to Order, read a second time.

*Ordered* — That the said Bill be engrossed.

Currency Bill read second time and ordered to be referred to Committee of whole on Wednesday next.

A Bill to regulate the currency of this Province was, according to Order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Wednesday* next.

Order of the day for second reading of Bill for relief of Land Claimants, postponed.

The Order of the day for the second reading of the Bill to amend and consolidate the several Acts of the Legislature of *Upper Canada*, passed for the relief of persons claiming Lands under the Nominees



of the Crown, in cases where no Patent has issued for such Lands, being read.

*Ordered* — That the said Order of the day be postponed until Monday.

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A Bill to amend an Act of the Legislature of *Lower Canada*, relative to the establishment of Mutual Fire Insurance Companies, was according to Order, read a second time.

*Ordered* — That the said Bill be engrossed.

A Bill to amend certain Acts of the Legislature of the late Province of *Lower Canada*, therein mentioned, relating to the establishment of Mutual Insurance Companies, as far as regards the Counties of *Sherbrooke*, *Stanstead*, *Drummond* and *Shefford*, was, according to order, read a second time.

*Ordered* — That the said Bill be engrossed.

The Order of the day for the second reading of the Bill to regulate appointment of Clerks to Magistrates in Country Parishes and Townships, in the late Province of *Lower Canada*, and to provide for their conduct, and that of Bailiffs, in certain cases, being read,

*Ordered* — That the said Order of the day be postponed until Friday next.

The Order of the day for the House in Committee to take into consideration the expediency of allowing the exportation from this Province of flour and meal, pot and pearl ashes, and beef and pork, without inspection, and of amending and consolidating the laws now in force in this Province in relation to the inspection of the said commodities, and other references, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Crane* took the chair of the said Committee.<sup>1</sup>

House in Com. on  
exportation of Flour  
&c. without  
inspection.

Mr. *Moffatt* ... admitted that his propositions<sup>2</sup> would create a great change in the export trade of the country, but he believed they would prove beneficial. The existing regulations might have been necessary in the early state of the trade of the country, when it was required to place a standard of value upon articles then annually constituting our staple exports; but now these regulations were no longer needed, and the inspection could be dispensed with.<sup>3</sup> A correct knowledge having been acquired by the best of all tests, experience.<sup>4</sup> The manufacturer thoroughly understands his materials — knows what is wanted in the market, and his interest and his name are bound in the correct preparation of the article he brings into that market. But by law he cannot ship his manufacture without inspection in *Lower Canada*. He could not ship his produce without paying cooperage, agency, and other expences (sic).<sup>5</sup> Which operates only as a clog upon the freedom of trade.<sup>6</sup> In Ireland, where much packing of produce annually occurred, these regulations were not deemed necessary, the brand of the manufacturer being considered quite sufficient.<sup>7</sup>

With respect to the brand, let the trader use his own brand, and let that suffice. Pot and pearl ashes, he said, deteriorated in value, by being exposed to the air, when the barrels were broken open — although the plea might be urged, that it was necessary, to do so, to ascertain their quality. He did not wish to *abolish* the law, with respect to inspection; but to permit the buyer and seller to *evade* it, if they were so desirous. — One argument of the hon. gentleman was, that as the law stood now, the manufacturer of flour would content himself merely with coming up merely (sic) to the inspector's standard, without attempting to go beyond it; whereas, if left to himself, he would supply a better description.<sup>8</sup>

Mr. *Holmes* said he rose with much diffidence, to oppose the measure of his hon. colleague for Montreal; but having a public duty to perform, he felt bound to express his opinion, that the measure now before the House, would injure the interests of the many, and benefit those of the few, (the capitalists,) who would eventually engross the same monopoly as existed in Ireland, where a few leading houses secured to themselves all the advantages of the provision trade — the seller being frequently obliged, in consequence, to accede to terms that deprived him of his just profits, and transferred them to the Bankers of those who had already a profit of their own, that needed no such addition. The

Mutual Insurance Bill  
read second time and  
ordered to be en-  
grossed.

Mutual Insurance Bill  
(*Sherbrooke*, &c.)  
read second time, and  
ordered to be  
engrossed.

Order of day for  
second reading Ma-  
gistrates Clerks' Bill  
postponed till  
Friday next.

*same* arguments that are *now* used in this House, said the hon. member, were at one period used in the United States, to remove the burthen, as it was considered, of inspection. What was the consequence? the compulsory operation of the law was removed, and by a scheme of fraud and deception, the credit of the American markets became so injured, that they were obliged to go back to the old system, for the protection of the public at large. He repeated his former conviction, that a few houses in Montreal would engross all the trade. They would have their own Inspector, and in the course of time, their name, by their large transactions, would have such a currency in the market, that to insure a good sale, their brand would be indispensable. Commanding the market, therefore, they could fix their own price with the seller, taking at the same time this advantage of the exemption from inspection; that it was a risk how the article *might* turn out; it *might* come up to what it was stated to be, or it *might not*; under *these circumstances*, at a *venture*, they would give so *much*, and *no more*; thus always placing to their own advantage, the doubts and scruples raised by themselves, which, under the existing law, there could be no deception in — both parties ascertaining by the act of inspection, what the quality of the article *really was*.<sup>9</sup>

Mr. Merritt said, that the price charged upon the barrel, for inspection, of 2*d.*, at Montreal, and 3*d.*, at Quebec, was an imposition on the trade.<sup>10</sup>

Mr. Neilson called it the freedom of industry, and the spirit of trade — or phraseology to that effect. He was for optional inspection, as a stimulus to those who were desirous of acquiring a character, by the article which they produced.<sup>11</sup>

Mr. Dunscomb said, in Nova Scotia and New Brunswick, whatever inspectors we might have, — they would rely upon their own, what we call fine being branded by them *superfine*.<sup>12</sup>

Mr. Thorburn approved of the resolutions, providing the privilege of inspection might be insisted on, if required. Flour exported from Upper to Lower Canada, much more from this province to Great Britain, might, by damage, effect the test of the brand — but with respect to ashes — if they were found to be mixed with sand and stones, this would reflect either upon the ignorance or dishonesty of the inspector.<sup>13</sup>

Mr. Buchanan said, that ashes were injured by exposure to air. He regarded the proposed measure as a boon to Upper Canada — the expenses that were now unavoidable, operating injuriously to the miller.<sup>14</sup>

Mr. Roblin ... ((believed that the measure)) would enable the farmer to get a higher price for his produce.<sup>15</sup>

The resolutions... received the support of ... ((Messrs.)) Neilson, Dunscomb, Roblin, Thorburn ... Thompson.<sup>16</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair,

Several resolutions reported and agreed to.

And Mr. Crane reported that the Committee had come to several Resolutions, which Resolutions were again read at the Clerk's table, and agreed to by the House, and are as followeth: —

1st Resolution.

*Resolved* — That it is expedient to allow every description of country produce to be exported from this Province without inspection.

2nd Resolution.

*Resolved* — That in any City or Town where a Board of Trade is established, the authority of appointing examiners to ascertain the qualifications of applicants for the office of Inspector of any country produce, would be more conveniently exercised by such Board, or in places where none exist, by the Municipal Authorities thereof, than by the head of the Provincial Executive.

3rd Resolution.

*Resolved* — That it is expedient to amend the Inspection Laws of this Province, in conformity with the foregoing Resolutions.

Resolutions referred  
to Sel. Committee.

On motion of the Honourable Mr. *Moffatt*, seconded by Mr. *Neilson*,

*Resolved* — That the said Resolutions be referred to a Select Committee, composed of Mr. *Neilson*, Mr. *Burnet*, Mr. *Dunscumb*, and Mr. *Buchanan*, to report thereon with all convenient speed, by Bill or Bills, in conformity therewith; and that the 77th Rule of this House be dispensed with in so far as relates to the appointment of this Committee.

House in Com.  
on judicature  
acts of Gaspé.

The Order of the day for the House in Committee to take into consideration the expediency of altering and amending the Judicature Acts relating to the Inferior District of *Gaspé*, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Gilchrist* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Committee reports  
a resolution.

And Mr. *Gilchrist* reported, that Committee had come to a Resolu-

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tion, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth: —

Resolution.

*Resolved* — That it is expedient to make further and more effectual provision than heretofore for the due administration of Justice in the District of *Gaspé*.

Gaspé Justice Bill  
brought in.

*Ordered* — That Mr. *Christie* have leave to bring in a Bill to make more ample provision than heretofore for the due administration of Justice in the territorial division of *Gaspé*.

And read 1st time.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Second reading  
Monday next.

*Ordered* — That the said Bill be read a second time on *Monday* next.

House goes into Com.  
on Gaspé fisheries.

The Order of the day for the House in Committee on the Report of the Special Committee, to which was referred the Bill to regulate the Fisheries in the District of *Gaspé*, and on the said Bill being read, The House accordingly resolved itself into the said Committee.

Mr. *Durand* took the chair of the Committee, and after some time spent therein,

Bill reported,  
amended.

Mr. Speaker resumed the chair,

And Mr. *Durand*, reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Report to be received  
to-morrow.

*Ordered* — That the report be received *to-morrow*.

House goes into  
Com. of whole on  
ordinance relating to  
taverns and Tavern-  
keepers.

The Order of the day for the House in Committee to consider the expediency of amending in part an Ordinance of the Special Council of the late Province of *Lower Canada*, 4th VICTORIA Chapter 42 intituled "*An Ordinance to repeal in part, and amend, and render permanent, as amended, a certain Ordinance therein mentioned, relative to Taverns and Tavern Keepers, and to make further provision relative to the same subject,*" being read,

The House accordingly resolve itself into the said Committee.

Captain *Steele* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Committee reports a  
resolution.

And Captain *Steele*, reported that the Committee had come to a Resolution which Resolution, was again read at the Clerk's table, and agreed to by the House, and is as followeth:

Resolution.

*Resolved* — That it is expedient to repeal the second section of an Ordinance of the Special Council 4th VICTORIA, chapter 42, intituled "*An Ordinance to repeal in part, and amend, and render permanent as amended, a certain Ordinance therein mentioned, relative to Taverns*"



"and Tavern Keepers, and to make further provision relative to the same subject."

Bill, to repeal in part Ordinance relating to taverns and Tavern-keepers brought in and read.

Second reading  
Monday next.

House in Com. of whole on Boundary line Commissioners Law.

*Ordered* — That Mr. Delisle, have leave to bring in a Bill to repeal the second section of an Ordinance of the Special Council 4, VICTORIA, chapter 42, relative to Tavern and Tavern Keepers.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Monday* next.

The Order of the day for the House in Committee to take into consideration the propriety of amending the Laws now in force respecting the Boundary line Commissioners within the *Western* part of *Canada*, being read,

The House accordingly resolved itself into the said Committee.

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Mr. *Powell*, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Resolution reported.

And Mr. *Powell*, reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth :

Resolution.

*Resolved* — That it is expedient to repeal part of, and amend, the Laws now in force in that part of this Province, formerly *Upper Canada*, for the appointment of Boundary line Commissioners.

Boundary line Act  
repeal Bill brought in.

*Ordered* — That Mr. *Roblin*, have leave to bring in a Bill to repeal an Act passed in the fifth Session of the Parliament of the late Province of *Upper Canada*, intituled "*An Act to alter and amend an Act passed during the third Session of the present Parliament intituled 'An Act to authorize the establishment of Boards of Boundary line Commissioners within the several Districts of this Province,' and to make further provisions therein.*"

Bill read 1st time.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Second reading on  
Wednesday next.

*Ordered* — That the said Bill be read a second time, on *Wednesday* next.

House in Committee  
on Rules.

The Order of the day for the House in Committee to consider the expediency of altering, rescinding, or amending, any of the Rules of this House, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Sherwood*, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Several Resolutions  
reported.

And Mr. *Sherwood*, reported that the Committee had come to several Resolutions, which Resolutions were again read at the Clerk's table, and agreed to by the House, and are as followeth :

Resolutions.

*Resolved* — That this House do meet at three o'clock, in the afternoon : and, if at three o'clock there is not a Quorum, Mr. Speaker may take the chair and adjourn ; but when the House rises on *Friday*, it shall, stand adjourned, to the following *Monday*.

*Resolved* — That all the expenses and costs attending on private Bills giving any exclusive privilege or advantage, and the relative proceedings in this House thereon, ought not to fall upon the Public, and that it is just and reasonable that part of such expenses and costs should be supported by those who apply for the said Bills ; and that after this session a sum not less than £20, be deposited in the hands of the Clerk of this House by the Petitioners before the second reading of any such Bills.

*Resolved* — That the mode of appointing a Special Committee, shall be first to determine the number it shall consist of, then each Member naming one, which shall be written down by the Clerk; those who have most voices shall be taken successively, until that the number is completed; and if any difficulty should arise by two or more having an equal number of voices, the sense of the House shall be taken as to the preference; but it shall always be understood, that no Member who declares himself or divides against the body or substance of the Bill, motion, or matter to be committed, upon any of the readings thereof, can be nominated to be of a Committee upon such Bill, motion or matter; or the mover may submit the names of the Members to form the Committee, and if not objected to by the House, the Members so nominated shall compose the Committee.

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Order of day for Committee of whole on N. A. C. Association of Ireland Bill postponed.

The Order of the day for the House in Committee on the Bill to authorize the *North American Colonial Association of Ireland* to loan moneys, and to prosecute certain public works in the County of *Beauharnois*, being read,

*Ordered* — That the said Order of the day be postponed until *Friday* next.

House goes into Committee on Mill Dam Bill.

The Order of the day for the House in Committee on the Bill to settle, by a more easy and less expensive mode than now by Law exists, the damages which have been, or may hereafter be, sustained by the Proprietors of land overflowed by means of the erection of Mill dams, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Yule*, took the chair of the Committee,<sup>17</sup>

**Messrs Viger, Boswell, Johnston** and others, spoke in condemnation of the bill, as tending to shield aggression on the rights of property, which undoubtedly, ought ever to be regarded as sacred.<sup>18</sup>

**Mr. Merritt**, and other advocates of the bill, clearly proved the great service that the mills had rendered to the community; and in return for it, the bitter animosity with which the owners had, in a great many instances, been pursued by suits at law — to their partial, if not utter ruin.<sup>19</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair,

Progress.

And Mr. *Yule*, reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Mr. Speaker put the question,

Is it the pleasure of the House that the Committee have leave to sit again.

House divides on Question for Committee sitting again.

The House divided on the question, and the names being called for, they were taken down as followeth: —

## YEAS.

<i>Buchanan,</i>	<i>McDonald, (Glen.)</i>	<i>Parke,</i>	<i>Thorburn,</i>
<i>Cook,</i>	<i>McLean,</i>	<i>Powell,</i>	<i>Turcotte,</i>
<i>Crane,</i>	<i>Merritt,</i>	<i>Roblin,</i>	<i>Watts,</i>
<i>Gilchrist,</i>	<i>Noel,</i>	<i>Sherwood,</i>	<i>Yule. — 17.</i>
<i>Hale,</i>			

## NOES.

<i>Armstrong,</i>	<i>Boswell,</i>	<i>Moffatt, Hon. G.</i>	<i>Ruel,</i>
<i>Baldwin,</i>	<i>Boutillier,</i>	<i>Morin,</i>	<i>Smith, (Front.)</i>
<i>Barthe,</i>	<i>Child,</i>	<i>Parent,</i>	<i>Thompson,</i>
<i>Berthelot,</i>	<i>Derbshire,</i>	<i>Price,</i>	<i>Viger, Hon. D.B.</i>
<i>Borne,</i>	<i>Johnston,</i>	<i>Raymond,</i>	<i>Williams. — 20.</i>

Question lost.

So it passed in the Negative.

Motion for referring  
Bill to Select  
Committee.

Mr. J. S. MacDonald then moved, seconded by Mr. McLean, that the said Bill be referred to a select Committee composed of Mr. Merritt, Mr. Thorburn, Mr. Simpson, and Mr. Parke, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Motion that further  
consideration be post-  
poned for three  
months.

Mr. Baldwin moved, seconded by Mr. Price, that the further consideration of the said motion be postponed until this day three months.

House divides.

The question having been put upon this motion, a division ensued, and the names being called for, they were taken down as followeth: —

## YEAS.

<i>Armstrong,</i>	<i>Boswell,</i>	<i>Morin,</i>	<i>Ruel,</i>
<i>Baldwin,</i>	<i>Boutillier,</i>	<i>Parent,</i>	<i>Smith, (Front.)</i>
<i>Barthe,</i>	<i>Child,</i>	<i>Price,</i>	<i>Thompson,</i>
<i>Berthelot,</i>	<i>Derbshire,</i>	<i>Raymond,</i>	<i>Viger, Hon. D.B.</i>
<i>Borne,</i>	<i>Johnston,</i>		(18.)

## NOES.

<i>Buchanan,</i>	<i>McDonald, (Glen.)</i>	<i>Parke,</i>	<i>Turcotte,</i>
<i>Cook,</i>	<i>McLean,</i>	<i>Powell,</i>	<i>Watts,</i>
<i>Crane,</i>	<i>Merritt,</i>	<i>Roblin,</i>	<i>Williams,</i>
<i>Gilchrist,</i>	<i>Moffatt, Hon. G.</i>	<i>Sherwood,</i>	<i>Yule. — 19.</i>
<i>Hale,</i>	<i>Noel,</i>	<i>Thorburn,</i>	

Motion lost.

So it passed in the Negative.

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Main motion agreed  
to.

The question being then put upon the main motion, it was agreed to by the House, and —  
*Resolved* accordingly.

Order day for house  
in Committee on Peti-  
tions of inhabitants of  
Oakland, and others,  
postponed.

The Order of the day for the House in Committee on the Petitions of divers inhabitants of the Township of *Oakland*: of *Samuel Garnsey* and other inhabitants of the Township of *Bayham*; and of *James Covernton* and others, Magistrates and inhabitants of the District of *Talbot*, being read,

*Ordered* — That the said Order of the day be postponed until *Monday* next.

House goes into Com.  
of whole on certain  
ordinances relating to  
Queen's Highway  
and Winter roads.

The Order of the day for the House in Committee to consider the expediency of altering and amending a certain Ordinance passed by the Special Council of the late Province of *Lower Canada* intituled "*An Ordinance to provide for the improvement, during the Winter season, of the Queen's highways in this Province, and for other purposes*" — also "*An Ordinance to amend the Laws relative to Winter Roads*" being read,

The House accordingly resolved itself into the said Committee.

Mr. *Delisle* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

A Resolution reported  
and agreed to.

And Mr. *Delisle* reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth: —

Resolution.

*Resolved* — That it is expedient to amend the Ordinance passed by the Special Council in the 3rd year of Her Majesty's Reign, intituled "*An Ordinance to provide for the improvement, during the Winter season, of the Queen's highways in this Province, and for other purposes*" — and also the Ordinance passed in the 4th year of Her Majesty's Reign, intituled "*An Ordinance to amend the Laws relative to Winter Roads,*" by repealing so much thereof as requires that Horses or cattle drawing any Winter Vehicle should be so harnessed as to run in front of one of the runners of such vehicle; and so much thereof as requires winter Roads to be opened and beaten at least twelve feet wide by all persons bound to keep the same in repair.



Bill to repeal certain Ordinances relating to Winter roads &c., brought in and read.

*Ordered* — That Mr. *Armstrong* have leave to bring in a Bill to amend two certain Ordinances therein mentioned relative to winter Roads, in that part of the Province formerly *Lower Canada*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Monday* next.

Second reading  
Monday next.

Then, on motion of Mr. *J. S. Macdonald*, seconded by Mr. *Sherwood*,

The House adjourned.

Footnotes — 4 August 1841.

1. The debate ensuing was reported by: *BRITISH COLONIST*, 11 August 1841, whose report was copied by *ST. CATHARINES JOURNAL*, 19 August 1841; *MONTREAL GAZETTE*, 7 August 1841; a commentary was provided by *LE CANADIEN*, 9 August 1841. When the *BRITISH COLONIST* is very difficult to read, extracts copied verbatim from the *COLONIST* by the *ST. CATHARINES JOURNAL* are cited instead.

2. Moffatt's Resolutions are found in *JOURNALS*, 4 August 1841, p. 286.

3. *MONTREAL GAZETTE*, 7 August 1841.

4. *ST. CATHARINES JOURNAL*, 19 August 1841, from *BRITISH COLONIST*, 11 August 1841.

5. *MONTREAL GAZETTE*, 7 August 1841.

6. *ST. CATHARINES JOURNAL*, 19 August 1841, from *BRITISH COLONIST*, 11 August 1841.

7. *MONTREAL GAZETTE*, 7 August 1841.

8. *ST. CATHARINES JOURNAL*, 19 August 1841, from *BRITISH COLONIST*, 11 August 1841.

9. *IBID.*

10. *IBID.*

11. *IBID.*

12. *BRITISH COLONIST*, 11 August 1841.

13. *ST. CATHARINES JOURNAL*, 19 August 1841, from *BRITISH COLONIST*, 11 August 1841.

14. *IBID.*

15. *BRITISH COLONIST*, 11 August 1841.

16. *MONTREAL GAZETTE*, 7 August 1841.

17. The debate on the mill dam question was reported by: *BRITISH COLONIST*, 11 August 1841, which also contained a commentary; the *COLONIST*'s report was copied by *ST. CATHARINES JOURNAL*, 19 August 1841; *LE CANADIEN*, 9 August 1841 contains a commentary upon the discussion. The reconstructed debate is very short, due to lack of material, but the *BRITISH COLONIST* notes that the bill "created a good deal of discussion." Apparently no paper thought the discussion worth reporting in detail. When the *BRITISH COLONIST* is very difficult to read, extracts copied verbatim from the *COLONIST* by the *ST. CATHARINES JOURNAL* are cited instead.

18. *BRITISH COLONIST*, 11 August 1841.

19. *ST. CATHARINES JOURNAL*, 19 August 1841.

## Thursday, 5 August 1841.

*Petitions brought up.*

Of John Hetherington and others.

George J. Holt, and others.

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The following Petitions were severally brought up and laid on the Table : —

By Mr. *Crane* — The Petition of *John Hetherington*, and other inhabitants of the Township of *Montague*.

By Mr. *Holmes* — The Petition of *George J. Holt*, and others, inspectors of pot and pearl ashes, of *Montreal*.

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Mutual fire Assurance Company bill read a 3rd time and passed.

An engrossed Bill, to amend an Act of the Legislature of *Lower Canada*, relative to the establishment of Mutual Fire Insurance Companies, was read for the third time.

*Resolved* — That the bill do pass.

Bill sent to Legislative Council.

*Ordered* — That the Honourable Mr. *Viger* do carry the said Bill to the Legislative Council and desire their concurrence.

Sherbrooke Rail Road Bill read 3rd time and passed.

An engrossed Bill to amend a certain Ordinance of the Legislature of *Lower Canada*, for making a Railroad from *Sherbrooke* to the river *Richelieu*, was read for the third time.

*Resolved* — That the Bill do pass.

Bill sent to Legislative Council.

*Ordered* — That Mr. *Moore* do carry the said Bill to the Honourable the Legislative Council and desire their concurrence.

Dalhousie Gaol and Court House Loan Bill read a third time and passed.

An engrossed Bill to authorize a further loan to complete the building of the Court House and Gaol for the intended District of *Dalhousie*, was read for the third time.

*Resolved* — That the Bill do pass.

Bill sent to Legislative Council.

*Ordered* — That Mr. *Derbishire* do carry the said Bill to the Legislative Council and desire their concurrence.

Bill, Mutual Insurance, as regards Sherbrooke, Stanstead &c., read third time & passed.

An engrossed Bill to amend certain Acts of the Legislature of the late Province of *Lower Canada*, therein mentioned, relating to the establishment of Mutual Insurance Companies, as far as regards the Counties of *Sherbrooke*, *Stanstead*, *Drummond*, and *Shefford*, was read for the third time.

*Resolved* — That the Bill do pass.

Bill sent to Legislative Council.

*Ordered* — That Mr. *Watts* do carry the said Bill to the Legislative Council, and desire their concurrence.

Message from Legislative Council.

A Message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery : —

MR. SPEAKER,

The Legislative Council have passed the following Bills, without any amendment : —

Members seats, vacation Bill.

"*An Act to enable Members of the Legislative Assembly for places within that part of the Province formerly constituting the Province of Upper Canada, to vacate their seats in certain cases, and for other purposes.*"

Claims amendment Bill.

"*An Act to amend and enlarge an Act of the Legislature of the late Province of Upper Canada, intituled 'An Act to ascertain and provide for the payment of all just claims arising from the late Rebellion and invasions of this Province.'*"

And Victoria College Bill, passed by Legislative Council.

"*An Act to incorporate the Upper Canada Academy, under the name and style of Victoria College.*"

And then he withdrew.

*Petitions read.*

Pursuant to the Order of the day, the following Petitions were read :

Of Trustees of  
Stanstead Seminary.

Of the Trustees of the *Stanstead* Seminary, praying for the usual allowance towards the support of the said Seminary.

Of Clergy &c., of  
Church of England  
in parish of Montreal.

Of the Clergy and Members of the Church of *England*, resident in the Parish of *Montreal*, praying that the Holy Scriptures may be introduced into Schools as a class book.

Of Lewis Davenport,  
and others.

Of *Lewis Davenport*, and others, of *Windsor*, praying to be incorporated under the name and style of "Mining and Fishing Company for the *Canada* Shore of Lake *Superior*."

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Of Bernard FitzPa-  
trick, and others.

Of *Bernard FitzPatrick*, and others, confined for debt in the Gaol of the *Midland* District, praying an amendment in the Law of imprisonment for debt.

Of N. H. Baird,  
Civil Engineer.

Of *N. H. Baird*, Civil Engineer, praying for a remuneration for attendance to give evidence before certain Committees of the Legislature of the late Province of *Upper Canada*.

Of Guy H. Youngs,  
and others.

Of *Guy H. Youngs*, and others, Freeholders and Inhabitants of the Township of *Athol*, praying that the Bill before this House for amending the Courts of Requests Laws may not be passed.

Motion that Petition  
of W. Cox, Ezra  
Annis, and others,  
be referred to  
Select Com.

Mr. *Small* moved, seconded by Mr. *Holmes*,  
That the Petitions of *William Cox*, *Ezra Annis*, and others, of the Township of *Whitby*, praying for the establishment of Schools, and that the Bible be used, as a class book, in the said Schools, be referred to a Committee of five Members, to examine the contents thereof ; and to report thereon with all convenient speed, by Bill or otherwise, with power to send for Persons, papers, and records.

Motion in amend-  
ment that further con-  
sideration of question  
be postponed.

Mr. *Baldwin* moved, seconded by Mr. *Hincks*,

That the further consideration of the said motion be postponed.

House divides on mo-  
tion for postponement.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth : —

#### YEAS.

<i>Baldwin,</i>	<i>Crane,</i>	<i>Killaly, Hon. H.H. Price,</i>
<i>Berthelot,</i>	<i>Delisle,</i>	<i>Morin,</i>
<i>Borne,</i>	<i>De Salaberry,</i>	<i>Neilson,</i>
<i>Boutillier,</i>	<i>Gilchrist,</i>	<i>Noel,</i>
<i>Child,</i>	<i>Harrison, Hon. S.B. Parent,</i>	<i>Steele,</i>
<i>Christie,</i>	<i>Hincks,</i>	<i>Taché,</i>
<i>Cook,</i>	<i>Hopkins,</i>	<i>Viger, Hon. D.B.</i>
		(26.)

#### NOES.

<i>Boswell,</i>	<i>Hale,</i>	<i>Morris,</i>	<i>Strachan,</i>
<i>Burnet,</i>	<i>Holmes,</i>	<i>Powell,</i>	<i>Thompson,</i>
<i>Cameron,</i>	<i>Johnston,</i>	<i>Prince,</i>	<i>Thorburn,</i>
<i>Campbell,</i>	<i>MacNab, Sir A.N. Robertson,</i>		<i>Turcotte,</i>
<i>Cartwright,</i>	<i>Merritt,</i>	<i>Simpson,</i>	<i>Watts,</i>
<i>Day, Hon. C.D. Moffatt, Hon. G. Small,</i>			<i>Williams.—25.</i>
<i>Foster,</i>			

Motion for post-  
ponement carried.

So it was carried in the affirmative and —  
*Ordered* — Accordingly.

Motion that Petition  
of Rev. R. V. Hall,  
and others, be referred  
to Select Committee.

Mr. *Cameron* moved, seconded by Mr. *Johnston*,  
That the Petition of the Reverend *R. V. Hall*, and others, Inhabitants of the Township of *Stanstead*, County of *Stanstead*, praying that the Bible be adopted as a class book, in all the Schools in this Province, be referred to a Committee of seven Members to examine the contents



House divides on question.

thereof and report thereon with all convenient speed; with power to send for persons, papers, and records.<sup>1</sup>

**Sir A. MacNab, Mr. Cartwright and Col. Prince**, spoke... in behalf of the introduction of the sacred volume....<sup>2</sup>

((**Col. Prince**)) had the greatest pleasure in supporting the motion, and he could scarcely trust himself to speak with calmness and moderation upon the conduct of those hon. members who had opposed it. But, the subject was too solemn to be debated with excited feelings. By the vote about to be given upon this question, the character of that house would be stamped with honor or branded with disgrace (hear, hear.) The motion merely asks for reference of the subject to a select committee; if we refuse that motion, we virtually repudiate the admission into our schools of that sacred volume upon which all our hopes in a future state depend. Looking at the Bible as the most ancient book of history — as a specimen of language the most concise and elegant, and perfect, I contend that it ought to be admitted (sic) as a class book for the instruction of our youth, and I feel assured that not one Roman Catholic, of education, in one hundred, will dissent from this proposition (hear, hear.) Then, sir, why hesitate to support this motion? But I put the sacred volume upon higher grounds; I look upon it as the rock upon which our future hopes are built; I consider that part of it called the New Testament as the best and greatest consolation that man can look to for happiness in this life or in the life to come. — And though I am no bigot in religion and will cheerfully concede the point that there are many roads to heaven — (and God grant we may all meet there after the disputes, turmoils, and troubles of this life have passed away) — yet I cannot concede that we should even indirectly cast a slur upon the holy bible by voting against the motion of my honorable friend. What sir, will the country say to us? what will the country think of this the first United Parliament? which deliberately refuses for the first time (and this the only instance on record) to refer to a select committee the petition of any man, and above all the petition of the reverend divine who has so piously, so honorably, so creditably for his own reputation, petitioned us. Sir, I will say no more: by the decision of this question the character of this house will be for ever stamped — will be finally determined. Enquiry and information before a select committee can do no harm, and if you refuse that, you will be justly branded with a cold indifference to the truth of that religion which every christian, be he Roman Catholic or be he Protestant, at least affects to venerate (hear, hear.)<sup>3</sup>

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The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth: —

YEAS.

<i>Buchanan,</i>	<i>Cameron,</i>	<i>Cartwright,</i>	<i>Dunn, Hon. J.H.</i>
<i>Burnet,</i>	<i>Campbell,</i>	<i>Day, Hon. C.D.</i>	<i>Foster,</i>

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<i>Hale,</i>	<i>Moffatt, Hon. G.</i>	<i>Simpson,</i>	<i>Thornburn,</i>
<i>Holmes,</i>	<i>Morris,</i>	<i>Smith, (Fron.)</i>	<i>Turcotte,</i>
<i>Johnston,</i>	<i>Powell,</i>	<i>Smith, (Went.)</i>	<i>Watts,</i>
<i>MacNab, Sir A.N.</i>	<i>Prince,</i>	<i>Strachan,</i>	<i>Williams,</i>
<i>McDonald, (Pres.)</i>	<i>Robertson,</i>	<i>Thompson,</i>	<i>Yule. — 28.</i>

NOES.

<i>Armstrong,</i>	<i>Crane,</i>	<i>Hincks,</i>	<i>Parke,</i>
<i>Baldwin,</i>	<i>Daly, Hon. D.</i>	<i>Hopkins,</i>	<i>Price,</i>
<i>Barthe,</i>	<i>Delisle,</i>	<i>Killaly, Hon. H.H.</i>	<i>Quesnel,</i>
<i>Berthelot,</i>	<i>Derbshire,</i>	<i>Merritt,</i>	<i>Raymond,</i>
<i>Borne,</i>	<i>De Salaberry,</i>	<i>Morin,</i>	<i>Roblin,</i>
<i>Boswell,</i>	<i>Dunscumb,</i>	<i>Neilson,</i>	<i>Steele,</i>
<i>Boutillier,</i>	<i>Durand,</i>	<i>Noel,</i>	<i>Taché,</i>
<i>Christie,</i>	<i>Gilchrist,</i>	<i>Parent,</i>	<i>Viger, Hon. D.B.</i>
<i>Cook,</i>	<i>Harrison, Hon. S.B.</i>		

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Motion for referring  
Petition lost.

So it passed in the negative.

Motion for referring foregoing petition to Committee of whole.

Mr. *Watts* moved, seconded by Mr. *Cameron*,

That the Petition of the Reverend *R. V. Hall*, and others, Inhabitants of the Township of *Stanstead*, County of *Stanstead*, praying that the Bible be adopted as a class book in all the Schools in this Province, be referred to the Committee of the whole House on the Bill to repeal certain Acts therein mentioned, and to make provision for the establishment and maintenance of Common Schools throughout this Province.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth : —

## YEAS.

<i>Armstrong,</i>	<i>Foster,</i>	<i>Moffatt, Hon. G.</i>	<i>Simpson,</i>
<i>Berthelot,</i>	<i>Gilchrist,</i>	<i>Morin,</i>	<i>Smith, (Fron.)</i>
<i>Boswell,</i>	<i>Hale,</i>	<i>Morris,</i>	<i>Smith, (Went.)</i>
<i>Buchanan,</i>	<i>Hincks,</i>	<i>Neilson,</i>	<i>Steele,</i>
<i>Burnet,</i>	<i>Holmes,</i>	<i>Parke,</i>	<i>Strachan,</i>
<i>Cameron,</i>	<i>Hopkins,</i>	<i>Powell,</i>	<i>Thompson,</i>
<i>Cartwright,</i>	<i>Johnston,</i>	<i>Price,</i>	<i>Thorburn,</i>
<i>Daly, Hon. D.</i>	<i>Killaly, Hon. H.H.</i>	<i>Prince,</i>	<i>Turcotte,</i>
<i>Day, Hon. C.D.</i>	<i>MacNab, Sir A.N.</i>	<i>Quesnel,</i>	<i>Watts,</i>
<i>Delisle,</i>	<i>McDonald, (Pres.)</i>	<i>Robertson,</i>	<i>Williams,</i>
<i>Durand,</i>	<i>Merritt,</i>	<i>Roblin,</i>	<i>Yule. — 44.</i>

## NOES.

<i>Baldwin,</i>	<i>Christie,</i>	<i>De Salaberry,</i>	<i>Parent,</i>
<i>Borne,</i>	<i>Crane,</i>	<i>Dunscomb,</i>	<i>Raymond,</i>
<i>Boutillier,</i>	<i>Derbishire,</i>	<i>Harrison, Hon. S.B.</i>	<i>Viger, Hon. D.B.</i>

(12).

Petition referred to Com. of whole.

So it was carried in the affirmative, and —  
*Ordered* — Accordingly.

On motion of Mr. *Thompson*, seconded by Mr. *Powell*,

*Resolved* — That the Petitions of *Warner Nelles*, and others, Inhabitants of the County of *Haldimand*, of *John DeCew*, and others, Inhabitants of the County of *Haldimand*, and of *Daniel Hover*, and others, of the Township of *Walpole*, County of *Haldimand*, presented to the House on the 2nd. instant, be referred to a select Committee composed of Mr. *Merritt*, Mr. *Powell*, Mr. *Child*, and Captain *Steele*, to examine

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the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

On motion of Mr. *Boswell*, seconded by Mr. *Merritt*.

*Resolved* — That the Petition of *N. H. Baird*, Civil Engineer, be referred to a Select Committee, composed of the Honourable Mr. *Killaly*, Mr. *Thorburn*, Mr. *Gilchrist* and Mr. *Parke*, to examine the contents thereof, and to Report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers and records.

Petition of N. H. Baird referred.

Special Committee on return to address on claim of *Christopher Leggo*, present report.

Mr. *Morris*, from the Special Committee, to which was referred the Return to an Address of the 6th of *July* last, from this House to His Excellency, the Governor General, relative to the claim of *Christopher Leggo*, of *Brockville*, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

Report on case of *Christopher Leggo*.

"Your Committee have carefully and fully investigated the character and extent of the injuries sustained by the said *Christopher Leggo*, and are of opinion that his case is one of peculiar hardship, requiring the immediate adoption of remedial measures; and Your Committee have

Report to be referred to Com. of whole to-morrow.

Population returns from U. C. laid before the House.

And returns of assessment.

And also Report of Commissioners for settling affairs of late Kingston Bank.

Report of Commissioners of Lachine Canal presented to House.

Address to be sent to His Excellency for copy of Despatches of Lord John Russell, on "Responsible Government," "Tenure of Office," and other documents.

Committee of whole on Municipal Corporation bill of Upper Canada, to enquire into expediency of amending or repealing the ordinances of Lower Canada on the same subject.

therefore to recommend that the attention of the Government may be directed to the subject, by an Address of Your Honourable House."

*Ordered*—That the said Report be referred to a Committee of the whole House to-morrow.

The Honourable *S. B. Harrison*, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General, Population Returns of the late Province of *Upper Canada*, for the year 1840, pursuant to Provincial Statute, 1st VICT. Cap. 21.

For the said Returns, see Appendix (T.)

And Assessment Returns of the late Province of *Upper Canada*, for the year 1840, pursuant to the Provincial Statute 59, GEORGE III., Cap. 7.

For the said Return, see Appendix (U.)

And also the Report of the Commission appointed by the Provincial Statute 10 GEO IV., entitled "*An Act for settling the affairs of the late Bank at Kingston.*"

For the said Report, see Appendix (V.)

The Honourable Mr. *Killaly* presented to the House the Report of the Commissioners of the *Lachine Canal*.

For the said Report see Appendix (D.)

On motion of Mr. *Baldwin*, seconded by the Honourable Mr. *Viger*.

*Resolved*—That an humble address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a copy of the Despatch of Lord *John Russell*, Her Majesty's Principal Secretary of State for the Colonies, to His Excellency, the Governor General, dated the 14th of *October*, 1839, on Responsible Government;—a copy of that of the 16th *October*, 1839, to the Lieutenant Governor of *Upper Canada*, on the tenure of offices in the Colonies; and a copy of so much of that of the 7th *November*, 1839, to His Excellency, the Governor General, as relates to this latter subject; together with copies of the addresses of the House of Assembly of *Upper Canada* of the 10th and 14th *December*, 1839, to His Excellency, the Governor General, on the same subject, and of His Excellency's answer to those Addresses of the 13th *December*, 1839, and the 14th *January* 1840, respectively.

*Ordered*—That the said address be presented to His Excellency by

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such Members of this House as are of the Honorable the Executive Council of this Province.

Mr. *Morin* moved, seconded by Mr. *Baldwin*,

That it be an instruction to the Committee of the whole House on the Bill to provide for the better internal Government of that part of this Province heretofore *Upper Canada*, by the establishment of Local or Municipal authorities therein, to enquire whether it is expedient to repeal or amend the Ordinances passed by the Governor and Special Council of the late Province of *Lower Canada*, of the 4th, VICTORIA, Chapter 3 and 4, entitled "*An Ordinance to prescribe and regulate the Election and appointment of certain Officers in the several Parishes and Townships in this Province, and to make other provisions for the local interests of the Inhabitants of these divisions of this Province,*" and "*An Ordinance to provide for the better internal Government of this Province, by the establishment of local or Municipal authorities therein.*"<sup>4</sup>

Mr. Secretary *Harrison* rose and said he hoped hon. members were not going to mix up the discussion of the ordinance of the Special Council with that of this measure, which had nothing to do with it. The principle of this measure had been already discussed, and it was admitted on all hands to be a boon which was anxiously desired by the people. It was a



measure which created an important extension of popular influence. That extension he (Mr. Harrison) would be most happy to see granted so far as it could be safely done, and so long as it were guarded by proper restrictions. He had brought forward this liberal measure with the expectation that it would become a law. If, however, it were intended by hon. members of that house to embarrass the measure with alterations and amendments, it would have the effect of destroying the munificent intentions of the government. (Hear, hear.) The question seems to reduce itself into a very narrow compass; it amounts to this, whether this house has confidence in the government or not. If not, there is a very obvious course to be taken; if it has, then that confidence should be sufficient to induce the house to adopt the measure as it is proposed. The measure has been brought forward in compliance with the wishes of the people, and if it be now destroyed by this house, the fault must not rest with the government but with the representatives of the people themselves. (Hear.) It is upon these grounds that I shall hold to the bill, the whole bill, and nothing but the bill. (Hear, hear, hear.) I place the responsibility of the government upon this bill. If the house are dissatisfied with it they will proceed in that course which is open to them constitutionally. That the measure will give satisfaction I have no doubt; that it might also be advantageously amended in some particulars I have no doubt, (hear, hear,) but it was not the duty of the government to bring forward a measure different from that which has been provided for Lower Canada; and it is but now going into operation is a sufficient reason why the Legislature should for the present abstain from amending it. When experience has shown that an error has been committed, then come forward and make those amendments which may be considered necessary. With these observations I shall leave the matter to be treated as this house sees proper, and by the vote which will be taken will be determined whether this house has confidence in the government or not. (Hear, hear.) The very fact of a measure of this popular nature being conceded shows that the government is sincere in its determination to meet the wishes of the people, and it only remains to be seen whether the people's representatives will sustain them in these liberal intentions. (Hear, hear, hear.)<sup>5</sup>

The hon. gentleman (Mr. Harrison) said that the bill which he held in his hand, was intended to give the people a wholesome local controul over their own affairs, consistent with such restrictions as were necessary to preserve the power of the executive unimpaired, and that there was every probability of its passing into a law, unless it was so crippled in its leading features in committee, as to preclude all hope of it. The appointment of ((the)) warden by the Governor, was one of these features which he defended, upon the principle of its security to the government, that a veto would be reserved upon measures, that might be entirely out of the jurisdiction of local municipal courts. For instance, a bye law might be enacted by a corporation, which in itself though apparently harmless, might inflict great injury upon a numerous class in the district, and unless a direct communication existed between the government and the warden, how would it be possible to get at the real state of things and counteract the evil? The power which the bill conferred on the councillors, it was not intended to interfere with, and with respect to the priviledge (sic) of voting, the warden would merely have the casting vote.<sup>6</sup>

**Mr. Viger** said he was surprised to hear the hon. and learned gentleman deny the right of that house to examine and compare the measure now proposed with that which was about to go into operation in Lower Canada, and to the provisions of which it professed to correspond. He tells us in as many words, it may be unjust in its operation, it may require amendment, but you cannot examine it because it is but just going into operation; and you must pass a measure exactly similar to it for this part of the Province before you ascertain how it is going to work. The hon. gentleman has not been able to show a precedent for such a measure, and yet we are not to examine it! The proposition is monstrous. But the hon. gentleman says, oh, it is the best law possible and therefore we must adopt it without examination or consideration. It is an excellent law in all things in its provisions, and precisely conformable to the wishes of the people. I have, I confess, very strong doubts upon this point. I deny that the people desire the Governor to appoint the person who shall preside in these Councils, and that he shall parcel out the Province as he pleases, and that he shall appoint the place of meeting of these Councils. I am aware that in some instances very improper places have been selected in Lower Canada. In that part of the Province the people have never been consulted as to their wishes with regard to this law, and will the hon. gentleman say that this is the principle which ought to be adopted in the United Legislature? I wish I could convey my feelings in the English language, I would impress upon this house the abhorrence which I myself entertain of such legislation.<sup>7</sup>

**Mr. Baldwin** said he had on a former occasion declared his approbation of the principle of the bill. He had been and still was in favor of it; but at the same time he was also in favor of its being placed upon such a footing as would be productive of substantial advantages, and produce satisfaction in the minds of the people with respect to its machinery. He was also in favor of another principle, namely, that the same measure of justice should be meted out to both Provinces. And if ever there was an occasion when a government professing to administer the affairs of this country according to the wishes of the people, should come forward and redeem their pledge, the present is that occasion. (Hear, hear.) I wish to call the attention of hon. members to the circumstances under which this ordinance, which it is now proposed shall be referred to the committee, was passed. It was passed by the Special Council, a body which did not represent the people of Lower Canada, after the Imperial Parliament had passed an act uniting these Provinces, and after striking out from that act of union the clause relating to this subject, with the express view of referring its consideration to the representatives of the people. If ever there was a question therefore, which should be left to the decision of the people it is this question. It is not necessary to our present purpose to enquire whether there were circumstances (sic) which required those in whose hands the power was placed to pass that ordinance. My own opinion is, it was expedient. But it was done, and unless this house have now the power of examining that ordinance, and amending it if necessary, the people of Lower Canada must continue to be subjected to the operation of a law which they had no voice in passing. There may have been a necessity, or an imagined necessity — I am not willing to admit that it was a real necessity. The Union Bill was passed — the government had been strongly established — Lower Canada had been deprived of a large portion of her members — you gave to Lower Canada a law which was unasked for, and which was never consented to by the people of that Province — and you now come down to this house and tell us we are to pursue the same system: that this is the great measure of the session upon which the government rests its responsibility, and that you are determined to have the bill, the whole bill, and nothing but the bill. (Hear, hear.) And you call this popular government, and it is in this manner that you expect to win your way to the hearts of the people. — (Hear, hear, hear.) And I would like to know what confidence the people of Lower Canada can have in that administration of which you form a part? There are none of them among you! (Hear, hear.) And yet you pretend to be strong in the confidence of the people of the Province. (Hear, hear, hear.) I say this is only another step in the course of that injustice towards Lower Canada which I have ever deprecated, and ever must deprecate. If I believed the people of Upper Canada desire to do them injustice, I would scorn to be their representative. — (Hear, hear.) It is in vain for you to tell us you desire that we should go on happily together, so long as you draw these distinctions. I for one will always set my face against it. The learned and hon. gentleman says the ordinance should not be disturbed because it is going into operation. My hon. and venerable friend from Richelieu has already shown the fallacy and absurdity of this argument. If it be inapplicable to the state of the country, the sooner it is remedied the better; the sooner will those learned and hon. gentlemen be relieved from the disgrace attending the failure of a measure which they advocate. (Hear, hear.) But, says the hon. and learned gentleman, it is just going into operation. Well, is this a reason the people should be saddled with a system which is badly adapted to the purposes for which it is intended? (Hear, hear.) This appears to me the worst and weakest of all reasons and such a one as this house will not listen to for a moment. I am in favor of the main principles of municipal institutions, but I would have them placed upon such a footing as will prevent collision between the people and the head of the government, and I would also have both sections of the Province placed upon an equal footing. I would rather have a worse bill which should be precisely similar to that which our fellow subjects enjoy, than have a better bill which shall be different. (Hear, hear.) Upon these grounds I would make a last appeal to the hon. and learned member who brought the measure forward, to withdraw his opposition to the present motion and allow both measures to be considered together by the committee; not to attempt to impose upon either portion of the Province a measure ill adapted to its wishes; and to drop now and forever all invidious distinctions. (Hear, hear.)<sup>8</sup>

**Col. Prince** regretted that he was absent, when the fountain of Mr. Baldwin's eloquence was falling in such refreshing streams, upon this captivated audience. The latter part however of the learned gentleman's oration he had gratefully been permitted to listen to. As to a distinction being made between Upper and Lower Canada, an invidious distinction, he



denied the premises; no such distinction did exist, unless among the phantoms of the hon. gentleman's imagination.<sup>9</sup>

**Mr. Viger** yes — agreed in the imagination.<sup>10</sup>

((**Mr. Prince.**)) Are we to lose said the gallant Colonel a measure calculated to produce so much good, are we to be deprived of a boon, which has never yet been conferred upon us, and by which we shall be enabled to manage our own affairs because Lower Canada has not a measure equally perfect? are we to be tantalized with prospective benefits within our reach and to be debarred from the enjoyment of them, because impatience is determined to precipitate the violation of that commandment which says "thou shall not covet?" No disposition had evinced itself on the part of Upper Canadian members even to brook an injustice to Lower Canada, much less to except them from an equality of justice. What would the Lower Canadians have said, if those from the upper section of the Province, had clamoured against an ord(i)nance or an act of Parliament coming into operation, because some slight degree of benefit accrued to that portion of Her Majesty's subjects, which was not quite in so great a measure enjoyed by laws which affected the other portion? Where then would have been the powers of speech of Mr. Viger, or the virtuous indignation of the self elected champion of equal rights Mr. Ex-Solicitor General Baldwin? and echo answereth where? The speech of Burke against the Marquis of Hastings would doubtless have been thrown into the shade upon such an outpouring of wrathful denunciation as this would have called forth. — to speculate upon it would therefore prove only a failure — In conclusion the gallant Colonel trusted that no factious opposition would be permitted to mar the Bill but that it would be gratefully accepted as a boon unparalleled hitherto in liberality in Canadian legislation.<sup>11</sup>

**Mr. Moffatt** said it was unnecessary at the present moment to go into a discussion of the merits of either measure. The question to be determined was, whether there was anything unparliamentary in referring to the committee a law which is already in existence in the lower section of the province. (Hear.) He could see nothing unparliamentary in the course proposed, therefore he would support the motion.<sup>12</sup>

**Mr. Johnston** said he was opposed to the measure both in its principle and in its details; he was satisfied that an act of Parliament was not requisite to allow the people to tax themselves. (Hear, hear.)<sup>13</sup>

**Mr. Quesnel** said he had no objection to the motion as it did not pledge the house to any particular course. If the Upper Canadians desired the adoption of the bill as it stands, he (Mr. Quesnel) would offer no opposition to it; or if they desired to amend it, they should be at liberty to do so; but he would not be in favour of compelling them to adopt a measure precisely similar to that in Lower Canada, which might have the effect of rendering it inapplicable. — (Hear, hear.)<sup>14</sup>

**Mr. Cameron** said the hon. gentleman who had spoken last had, he thought taken a very fair practical view of the question, and a very liberal view. The ordinance of Lower Canada had been passed it is true, by a body which had not the confidence of the people in the smallest degree, but that ordinance was now ready to be put into operation, the appointments had been made and the machinery perfected previous to the meeting of this Legislature. It was very improbable, therefore, that the same executive under whose direction that ordinance was framed would be willing to make any alteration in it, until it had been acted upon at least, and to bring up the consideration of that law at present, he believed would have the effect of endangering the passing of the bill. The hon. and learned gentleman from Hastings had denounced it as one of the acts of injustice which have been inflicted upon Lower Canada, but he had not pointed out in what way it would act so very injuriously. He hoped the success of this measure which is so justly eulogized for its liberality would not be allowed to be endangered by mixing up with it the consideration of the ordinance of Lower Canada. It might be a difficult matter to obtain from another executive of a less liberal character a measure so popular as the one now offered.<sup>15</sup>

**Sir Allan MacNab** said it appeared exceedingly singular, if this measure were so very popular, that the Executive Government had not waited, particularly as the Union Bill had already been passed, until the people of Lower Canada had elected their representatives, and allowed the question to be submitted to the Legislature for their adoption. If this is



so good a measure as the hon. and learned gentleman would have us believe, why is he not willing to leave it in the hands of the representatives of the people? His own opinion was, the people of Upper Canada do not desire the bill, and he thought, therefore, it would be the duty of the house to reject it. (Hear, hear.) He (Sir Allan) had as fair an opportunity of knowing what were the wishes of the people as the right hon. gentleman who cries hear, and who has the honor of representing the town of Kingston. (Hear, hear.) The hon. and learned gentleman declares the bill must pass exactly as it is; the bill he will have, the whole bill, and nothing but the bill. Therefore hon. members who were more desirous of preventing a dissolution of the house than of doing substantial justice to their constituents (sic), would of course vote for the bill, the whole bill, and nothing but the bill. For his own part he would not be deterred from the fulfilment of his duty by any such threats.<sup>16</sup>

**Mr. Small** said he had the honor of holding a seat in Parliament as long as the learned Knight, and he believed he was as well acquainted with the wishes of the people. At all events he believed he spoke the well understood wishes of the Home District when he declared that they were decidedly in favor of the bill. He hoped the members from Lower Canada would not be led astray by any declaration of the gallant Knight, nor assist in depriving Upper Canada of a valuable measure, because they may have had a bad measure thrust upon them. The passage of a liberal measure of this kind in this section of the Province will facilitate the procuring of a similar one in Lower Canada. He hoped the amendment would be withdrawn.<sup>17</sup>

**Mr. Merritt** said this was not the proper time for discussing the principles or the details of the bill. He thought there could be no objection to the adoption of the motion.<sup>18</sup>

**Mr. J.S. Macdonald** said he should vote for the motion. It would be impossible for the administration to carry the measure through that house unless they were willing to grant a liberal measure to Lower Canada. He was of opinion that the Eastern District does not require a measure of this kind. It would require stronger arguments than he had yet heard to convince him of its necessity.<sup>19</sup>

**Hon. Mr. Day** said he felt himself called upon to offer a most determined resistance to the motion of the hon. member for Nicolet, because he considered it was an attack upon the bill itself. It appeared to him to be one of those artful strokes of policy which are sometimes made use of in the place of open opposition, to attack in an indirect manner a measure to which an hon. member happened to be hostile (hear, hear.) I cannot without some degree of admiration observe the triple alliance which has been formed in this house (hear, hear.) We find the learned and gallant knight from Hamilton in a state of perfect concord and good understanding with the hon. and learned gentleman from Hastings, and no doubt the reformers of Canada will regard with satisfaction the new combination of parties, and will regard the learned knight, with all that confidence to which the hon. and learned gentleman from Hastings is entitled. But I am persuaded the motion is levelled at the measure itself (hear, hear.) In point of fact, the Ordinance and the Bill are the same (hear, hear.) It is the intention of the administration that the same measure of justice shall be meted out to both Provinces. It is therefore a fallacy to suppose that it is necessary to refer that Ordinance to the committee in order to provide a more liberal measure for Upper Canada. It may be necessary with respect to the ordinance of Lower Canada to make one observation. I cannot believe that any valid objections to that ordinance can be founded upon the source from whence it is derived. I can easily conceive that there should be opposition to it; it is natural to suppose that those who were smarting under the withdrawal of the Constitution should look with distrust upon the acts of the Council. But it must be recollected that that Council sprung from the necessity of the times; that it was created by the paramount power of the realm, and that it was legitimately entitled to the powers of legislation. I do not mean to stand up as the defender of that sort of legislation, but I do say that that body has passed measures equal in their importance and in their beneficial effects upon the community to any measure to be found upon the Statute Book of Lower Canada. — (Hear, hear.) As to the question of order respecting referring this ordinance to the committee for alteration, I will not undertake to decide: but will merely say, in few words, that the new mode is calculated and intended to defeat the bill.<sup>20</sup>

**Mr. Aylwin** said if anything were wanting to show that the motion of the hon. member for Nicolet was a good one, it would be found in the circumstance referred to by the hon. and learned gentleman from Ottawa, of the triple alliance, as the hon. and learned

gentleman facetiously designated it, which had been formed in that house by the union of parties of opposite political sentiment. When he (Mr. Aylwin) saw persons of opposite opinions meeting in support of any particular motion, he desired no more forcible reason for concluding that the motion is a good one. (Hear, hear.) He (Mr. Aylwin) might retort the sarcasm of the hon. and learned Solicitor, and say that a much more extraordinary alliance has taken place between that hon. and learned gentleman and some of his colleagues. If there be, said Mr. Aylwin, any union to be wondered at, it is an union which I find in the Ministerial benches: An union of Reformers and liberals with those who are the very antipodes of Liberal. (Hear, hear.) The hon. and learned gentleman has said there has been an attempt to mystify. Now God forbid there should be any attempt to mystify on this subject at all events. I am sorry if I am less cautious than the hon. and learned gentleman, but truth compels me to say that there is certainly mystification on the side of the house to which that hon. and learned gentleman belongs, although, perhaps, it is more properly attributable to the hon. and learned member who brought the bill before the house. Whatever may be the actuating motive of the learned and gallant Knight from Hamilton for his opposition to this bill I can assure hon. gentlemen that my opposition shall be quite as strenuous as that of the hon. and learned gentleman, but my opposition shall proceed from diametrically opposite grounds — upon the ground that the measure is essentially despotic & tyrannical. I invite hon. gentlemen to examine the acts of the Special Council of Lower Canada, and point out, if it be possible half a dozen of their acts of legislation which are above contempt. (Hear, hear.) Let gentlemen who represent our Upper Canadian constituency weigh well the consequences of the adoption of a measure similar to the one which has been enforced upon Lower Canada. Let them hesitate before they accept the supposed boon. They will find it is the wooden horse. (Hear.) There are Simons in this house. I will not now point out who they are. (Hear, hear.) Hon. gentlemen must remember that the power of this house is exceedingly small, and it is perfectly evident that it is the intention of the bill to deprive us of what little remains of power we have. (Hear, hear.) It is a deadly blow aimed at the house itself. We have been told, pass this, give it a fair trial, and if it be not found to work well repeal it. I would put hon. members upon their guard against the fallacy of such a supposition (sic). Why should the people of Upper Canada be subjected to inconvenience until they see the result in Lower Canada? I feel that I have trespassed too long upon the patience of the committee.<sup>21</sup>

**Mr. Hincks** said he could not, after the speech which he had heard from the Solicitor, give a silent vote upon this question. The learned (sic) gentleman had stated that the object of the motion was to defeat the Bill. If he (Mr. Hincks) believed that the hon. gentleman from Nicolet had any such intention, he would be the very first to resist the motion. He (Mr. Hincks) was decidedly in favor of the bill, he would therefore be extremely sorry to see any steps taken which would have the effect of destroying it, or even to embarrass the proceedings; but he was convinced that the best course to be taken was to refer the ordinance of the Special Council of Lower Canada with reference to the municipal institutions to the same committee, because he was determined as far at least as his vote was concerned, to place both sections of the Province upon an equal footing, (hear, hear,) although there were some ((of)) its provisions of which he disapproved, yet he was bound to state that on the whole it must be regarded as a boon, and it was far better to have the bill as it is rather than have none at all. (Hear, hear.) He felt bound to say also, that he had no confidence in the administration as it is at present formed; so long as there is no one belonging to that administration who speaks the sentiments of Lower Canada. If a vote of want of confidence were brought forward he would be disposed to vote for it, but he would prefer that it should be upon any other measure than the one now before them. (Hear, hear.) Believing as he did, that this motion would not prejudice the bill he would vote for it.<sup>22</sup>

**Mr. Boswell** said he should not feel that he was acting right by giving a silent vote upon a question of this kind. Various shades of opinion among members of both sides of the house seem to be entertained with reference to the question now under discussion. But he had not heard, in the whole course of the arguments advanced by hon. members on the floor of that house, any substantial reason why the house should be encumbered with two questions at the same time. (Hear, hear.) There was no one who entertained a higher opinion of the hon. gentleman from whom the present motion had proceeded than he (Mr. Boswell) did; he believed the intention of that hon. gentleman was perfectly pure, but the question with him (Mr. Boswell) was, would the motion impede the action of the house? Is it pretended by any hon. member on the floor of this house that these measures can be so assi-



milated that they may be included in one act? If it were possible to reduce the two into one act, which should be applicable to both sections of the Province, he (Mr. Boswell) would have no hesitation in supporting the motion; but he believed he would be borne out in saying that it would be impossible to frame such a measure.

A great deal had been said with regard to the Special Council of Lower Canada; hon. members from that part of the Province could of course speak as to the correctness of the complaints which had been urged against the arbitrary measures of that council, but this much he (Mr. Boswell) would say that if the ordinance now complained of was to be taken as a test of their liberality, he thought they had certainly evinced more liberality than the Legislature of Lower Canada itself during its existence had ever exhibited. (Hear, hear.) Yes, he would go further, and say there was no measure of the same liberality on the Statute Book of either Province.<sup>23</sup>

**Mr. Price.** Il est pénible pour moi de m'adresser à cette chambre impatiente de voir terminer cette longue discussion; mais je crois par devoir et pour moi-même et pour mes constituans être obligé de faire quelques observations. D'abord quant à l'avancé de l'hble monsieur qui a parlé de l'union des divers partis de cette chambre. J'admets que ces partis opposés entre eux voteront probablement dans le même sens, mais pour des motifs différens. Je ne puis retenir la surprise que m'a causé la déclaration de l'hble membre pour Oxford qui nous a dit de passer ce bill avec tous ses défauts, sauf ensuite à l'amender; et si nous ne le passons pas aujourd'hui peut-être aurons nous un autre ministère qui ne nous accordera pas une mesure de cette nature. Est-il probable que nous pourrions obtenir le rappel d'une mesure nuisible, ou son amendement plus facilement que d'en faire actuellement passer une bonne? Quelle a été la cause du changement dernièrement opéré en Angleterre? N'est-ce pas le manque de libéralité de la part ((de)) ceux qui autrefois possédaient la confiance du peuple, et se sont laissés égarer par l'influence ambitieuse du pouvoir? Je suis prêt à soutenir le bill pourvu qu'il soit modifié de manière à rencontrer les besoins du pays. Je dois déclarer que je n'ai aucune confiance dans la présente administration qui n'a été formée que par l'abandon des principes politiques de ceux qui la composent; car comment peut-il se faire que des messieurs d'une opinion politique diamétralement opposée, tels que l'hble secrétaire de la partis (sic) Ouest et le savant procureur de la partie Est se trouvent faire partie de cette administration.<sup>24</sup>

**M. Durand.** Je ne vois pas pourquoi la motion de l'hble membre pour Nicolet ne serait pas adoptée. D'après l (sic) déclaration du moteur du bill, il paraît que son intention est de faire passer le bill tel qu'il est; et dans ce cas il ne remplira pas les vues de la majorité du peuple. Puis, qu'on (sic) veut lui donner le gouvernement local, il serait très- (sic) inconvenant de lui ôter la nomination des officiers de ce gouvernement.<sup>25</sup>

**Mr. Parke** said, that although the bill gave to the people a most desirous supervision of their affairs, the restrictive power of the crown, was a wholesome one, for it was neither to be hoped nor expected that the government would surrender up all and precipitate republicanism. The motive that could have coalesced the parties who were now striving to defeat the measure, was as well known to others as to themselves. Should their opposition prove effectual, it would be felt, sincerely felt by those, whom they affected to benefit: and when the mischief *was* accomplished, by checking the laudable efforts of a liberal government, they might go home and *rejoice* at their success, assuring themselves that the *triumph* they had gained was a triumph over *those interests* with whose prosperity they *ought to be identified*.<sup>26</sup>

**M. Johnston.** Cette discussion est irrégulière, et je n'ai pas la patience d'écouter de longp (sic) discours sur les mérites du bill que nous ne sommes pas maintenant appelés à discuter.<sup>27</sup>

L'hble. orateur ((**M. Cuvillier**)). Les hbles. membres peuvent sur la motion maintenant devant la chambre, discuter les principes du bill et de l'ordonnance.<sup>28</sup>

**Mr. Morin** was in favour of the principle of the bill, his motion was to widen it. The whole house being in committee on the subject he considered a favourable opportunity to take into consideration the ord((i))nance of Lower Canada to the same purport.<sup>29</sup>

**Mr. Thorburn** said, if the ordinance *was* a good one, the house would only have to endorse it; — if, as had been stated by the Government, the bill was on the broad principle



of justice to all, he was desirous that such justice should be meted out. From what had been stated, however, in the news of the day, with a change of men, a change of measures might be expected in the colony; and although the cup might not be so full as they might wish, their moral and social thirst after the measure, ought to induce them to accept of the draught, lest it might pass away out of their hands, and hereafter they might regret their neglect of the opportunity.<sup>30</sup>

**Capt. Steele** said, a municipal bill similar to the one before them, had been recommended by Lord Ellenborough. The coalition that he witnessed, he pronounced as a triple though not a holy alliance of the parties, who had leagued together to defeat a measure which the country had long been anxious to obtain. Would they, he asked, in the case of the bill being defeated, substitute a more liberal one? No, their aim was not to improve the social condition of the people; they had no sympathy with *their interests*, but dead to every *nobler feeling*, they sacrificed at the unhallowed shrine of the demon of party, every generous sentiment, which on such a momentous occasion, ought to have induced them to merge every private feeling, in shewing to the world, they were worthy of the name of statesmen. He appended to the bill the name of the famous charter, which though of no distant celebrity, compared with that which had been immortalized at Runnymede, was a charter, that would stand pre-eminent on the journals of the house, and which would impress a seal upon the liberties of Canada, that might perhaps be broken by the chain of human events, but which would revive again with a more lasting impression, to stand as a land mark for the liberties of posterity.<sup>31</sup>

(295)

House divides.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:—

## YEAS.

<i>Armstrong,</i>	<i>Cook,</i>	<i>Morin,</i>	<i>Smith, (Fron.)</i>
<i>Aylwin,</i>	<i>Crane,</i>	<i>Morris,</i>	<i>Sherwood,</i>
<i>Baldwin,</i>	<i>Durand,</i>	<i>Neilson,</i>	<i>Steele,</i>
<i>Barthe,</i>	<i>Gilchrist,</i>	<i>Noel,</i>	<i>Strachan,</i>
<i>Berthelot,</i>	<i>Hincks,</i>	<i>Parent,</i>	<i>Taché,</i>
<i>Borne,</i>	<i>Hopkins,</i>	<i>Powell,</i>	<i>Taschereau,</i>
<i>Boutillier,</i>	<i>Johnston,</i>	<i>Price,</i>	<i>Thompson,</i>
<i>Buchanan,</i>	<i>MacNab, Sir A.N.</i>	<i>Quesnel,</i>	<i>Thorburn,</i>
<i>Burnet,</i>	<i>McLean,</i>	<i>Raymond,</i>	<i>Turcotte,</i>
<i>Cartwright,</i>	<i>Merritt,</i>	<i>Ruel,</i>	<i>Viger, Hon. D.B.</i>
<i>Child,</i>	<i>Moffatt, Hon. G.</i>	<i>Small,</i>	<i>Yule. — 46.</i>
<i>Christie,</i>	<i>Moore,</i>		

## NOES.

<i>Boswell,</i>	<i>Derbshire,</i>	<i>Harrison, Hon. S.B.</i>	<i>Robertson,</i>
<i>Cameron,</i>	<i>De Salaberry,</i>	<i>Holmes,</i>	<i>Roblin,</i>
<i>Campbell,</i>	<i>Dunn, Hon. J.H.</i>	<i>Killaly, Hon. H.H.</i>	<i>Simpson,</i>
<i>Daly, Hon. D.</i>	<i>Dunscornb,</i>	<i>McDonald, (Pres.)</i>	<i>Smith, (Went.)</i>
<i>Day, Hon. C.D.</i>	<i>Foster,</i>	<i>Parke,</i>	<i>Watts.</i>
<i>Delisle,</i>	<i>Hale,</i>	<i>Prince,</i>	<i>Williams. — 24.</i>

So it was carried in the affirmative, and —

*Ordered* — Accordingly.

Leave of absence  
to Mr. Noel.

*Ordered* — That Mr. Noel, have leave to absent himself from this House from the 8th instant, until the 8th *September* next, on urgent business.

Motion that House  
in Com. on Municipal  
Corporation bill be  
first order of this day.

The Honourable Mr. *Harrison* moved, seconded by Mr. *Prince*, That the Order of the day for the House in Committee on the Bill to provide for the better internal Government of that part of this Province heretofore *Upper Canada*, by the establishment of local or Municipal authorities therein, be the first order of this day.

Motion for  
adjournment.

Mr. *Johnston* moved, seconded by Mr. *Aylwin*,

That the House do now adjourn.

The question having been put upon the said motion, a division ensued, and it passed in the negative.

(296)

House divides on  
main motion.

The question being then put on the main motion, a division also ensued, and the names being called for, they were taken down, as followeth : —

## YEAS.

<i>Armstrong,</i>	<i>Delisle,</i>	<i>Hopkins,</i>	<i>Raymond,</i>
<i>Baldwin,</i>	<i>Derbshire,</i>	<i>Killaly, Hon. H.H.</i>	<i>Robertson,</i>
<i>Borne,</i>	<i>De Salaberry,</i>	<i>McDonald, (Pres.)</i>	<i>Simpson,</i>
<i>Boswell,</i>	<i>Dunn, Hon. J. H.</i>	<i>Merritt,</i>	<i>Smith, (Front,)</i>
<i>Buchanan,</i>	<i>Dunscomb,</i>	<i>Moffatt, Hon. G.</i>	<i>Smith, (Went.)</i>
<i>Cameron,</i>	<i>Durand,</i>	<i>Morin,</i>	<i>Steele,</i>
<i>Campbell,</i>	<i>Foster,</i>	<i>Morris,</i>	<i>Taschereau,</i>
<i>Child,</i>	<i>Gilchrist,</i>	<i>Parke,</i>	<i>Thompson,</i>
<i>Christie,</i>	<i>Hale,</i>	<i>Powell,</i>	<i>Thorburn,</i>
<i>Crane,</i>	<i>Harrison, Hon. S.B.</i>	<i>Price,</i>	<i>Watts,</i>
<i>Daly, Hon. R.</i>	<i>Hincks,</i>	<i>Quesnel,</i>	<i>Williams. — 46.</i>
<i>Day, Hon. C.D.</i>	<i>Holmes,</i>		

## NOES.

<i>Aylwin,</i>	<i>Cook,</i>	<i>Noel,</i>	<i>Strachan,</i>
<i>Barthe,</i>	<i>Johnston,</i>	<i>Parent,</i>	<i>Taché,</i>
<i>Berthelot,</i>	<i>McNab, Sir A.N.</i>	<i>Prince,</i>	<i>Turcotte,</i>
<i>Boutillier,</i>	<i>McLean,</i>	<i>Roblin,</i>	<i>Viger, Hon. D.B.</i>
<i>Burnet,</i>	<i>Moore,</i>	<i>Sherwood,</i>	<i>Yule. — 22.</i>
<i>Cartwright,</i>	<i>Neilson,</i>		

Main motion carried.

So it was carried in the affirmative, and —  
*Ordered* — Accordingly.

Motion for  
adjournment.

*Sir Allan McNab* moved, seconded by *Mr. Cartwright*,  
That the House do now adjourn.

The question having been put on the said motion a division ensued, and the names being called for they were taken down as followeth : —

## YEAS.

<i>Aylwin,</i>	<i>Cook,</i>	<i>Moore,</i>	<i>Roblin,</i>
<i>Barthe,</i>	<i>Johnston,</i>	<i>Neilson,</i>	<i>Smith, (Front.)</i>
<i>Berthelot,</i>	<i>McNab, Sir A.N.</i>	<i>Noel,</i>	<i>Strachan,</i>
<i>Boutillier,</i>	<i>McDonald, (Pres.)</i>	<i>Parent,</i>	<i>Turcotte,</i>
<i>Burnet,</i>	<i>McLean,</i>	<i>Prince,</i>	<i>Viger, Hon. D.B.</i>
<i>Cartwright,</i>	<i>Moffatt, Hon. G.</i>		<i>(22).</i>

## NOES.

<i>Armstrong,</i>	<i>Day, Hon. C. D.</i>	<i>Hincks,</i>	<i>Robertson,</i>
<i>Baldwin,</i>	<i>Delisle,</i>	<i>Holmes,</i>	<i>Simpson,</i>
<i>Borne,</i>	<i>Derbshire,</i>	<i>Hopkins,</i>	<i>Smith, (Went.)</i>
<i>Boswell,</i>	<i>De Salaberry,</i>	<i>Killaly, Hon. H.H.</i>	<i>Sherwood,</i>
<i>Buchanan,</i>	<i>Dunn, Hon. J. H.</i>	<i>Merritt,</i>	<i>Steele,</i>
<i>Cameron,</i>	<i>Dunscomb,</i>	<i>Morin,</i>	<i>Taschereau,</i>
<i>Campbell,</i>	<i>Durand,</i>	<i>Morris,</i>	<i>Thompson,</i>
<i>Child,</i>	<i>Foster,</i>	<i>Parke,</i>	<i>Thorburn,</i>
<i>Christie,</i>	<i>Gilchrist,</i>	<i>Powell,</i>	<i>Watts,</i>
<i>Crane,</i>	<i>Hale,</i>	<i>Price,</i>	<i>Williams,</i>
<i>Daly, Hon. D.</i>	<i>Harrison, Hon. S.B.</i>	<i>Quesnel,</i>	<i>Yule. — 41.</i>

Motion for  
adjournment lost.

So it passed in the negative.

House in Committee  
of whole on Municip-  
al Corporation Bill.

The House then, according to Order, resolved itself into a Committee of the whole House on the Bill to provide for the better internal Government of that part of this Province heretofore *Upper Canada*,

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by the establishment of local or Municipal authorities therein ; and on the instructions given to the said Committee.

Mr. *Hopkins*, took the chair of the Committee,  
And the House having continued to sit until after twelve o'clock at night on *Friday* morning.

Mr. Speaker resumed the chair,

And Mr. *Hopkins*, reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Mr. Speaker having put the question :

Is it the pleasure of the House that the Committee have leave to sit again.

The House divided on the question, and the names being called for, they were taken down as followeth : —

## YEAS.

<i>Armstrong,</i>	<i>Day, Hon. C.D.</i>	<i>Holmes,</i>	<i>Robertson,</i>
<i>Baldwin,</i>	<i>Delisle,</i>	<i>Hopkins,</i>	<i>Ruel,</i>
<i>Berthelot,</i>	<i>Derbshire,</i>	<i>Merritt,</i>	<i>Simpson,</i>
<i>Borne,</i>	<i>Dunn, Hon. J. H.</i>	<i>Moore,</i>	<i>Small,</i>
<i>Boswell,</i>	<i>Dunscornb,</i>	<i>Morin,</i>	<i>Smith, (Went.)</i>
<i>Boutillier,</i>	<i>Durand,</i>	<i>Parke,</i>	<i>Steele,</i>
<i>Buchanan,</i>	<i>Foster,</i>	<i>Powell,</i>	<i>Taschereau,</i>
<i>Cameron,</i>	<i>Gilchrist,</i>	<i>Price,</i>	<i>Thompson,</i>
<i>Campbell,</i>	<i>Hale,</i>	<i>Prince,</i>	<i>Thorburn,</i>
<i>Christie,</i>	<i>Harrison, Hon. S.B.</i>	<i>Quesnel,</i>	<i>Watts,</i>
<i>Crane,</i>	<i>Hincks,</i>	<i>Raymond,</i>	<i>Williams. — 45.</i>
<i>Daly, Hon. D.</i>			

## NOES.

<i>Aylwin,</i>	<i>Johnston,</i>	<i>Neilson,</i>	<i>Turcotte,</i>
<i>Barihe,</i>	<i>MacNab, Sir A.N.</i>	<i>Strachan,</i>	<i>Viger, Hon. D.B.</i>
<i>Cartwright,</i>	<i>McLean,</i>		(10).

So it was carried in the affirmative, and —

*Ordered* — That the said Committee have leave to sit again this day, at three o'clock, P. M.

The Order of the day for receiving the Report of the Committee of the whole House on the Report of the special Committee to which was referred the Bill to regulate the Fisheries in the District of *Gaspé* and on the said Bill, being read,

*Ordered* — That the said Order of the day be postponed until *Tuesday* next.

The Order of the day for the second reading of the Bill to alter and amend the Laws now in force in that part of this Province formerly *Upper Canada*, regulating the District Courts, being read,

*Ordered* — That the said Order of the day be postponed until *Tuesday* next.

The Order of the day for the second reading of the Bill for the relief of *Philippe Aubert DeGaspé*, being read,

*Ordered* — That the said Order of the day be postponed until *Tuesday* next.

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The Order of the day for the second reading of the Bill to authorize the Stock, held by private parties, in the *Welland Canal*, to be purchased on behalf of the Province, being read,

*Ordered* — That the said Order of the day be postponed until *Tuesday* next.

The Order of the day for the House in Committee on the Bill to repeal certain parts of an Act therein mentioned, and to provide for taking a periodical census of the Inhabitants of this Province, and for obtaining the other statistical information therein mentioned, being read,

*Ordered* — That the said Order of the day be postponed until *Tuesday* next.

Progress reported.

House divides on leave to sit again.

Committee to set again at 3 o'clock P.M.

Order of the day for Committee of whole on *Gaspé* fishery Bill, postponed 'till *Tuesday* next.

Order of the day for second reading Upper Canada District Court Law postponed till *Tuesday* next.

Order of the day for 2nd reading De *Gaspé's* relief's Bill postponed till *Tuesday* next.

Order of the day for the second reading of *Welland Canal Stock* Bill postponed till *Tuesday* next.

Order of the day for Committee of whole on Census Bill postponed till *Tuesday* next.



Order of day for  
Com. of whole on  
public lands sale  
Bill postponed.

The Order of the day for the House in Committee on the Bill for the disposal of Public Lands, being read,

*Ordered*—That the said Order of the day be postponed, until Tuesday next.

Order of day for  
Committee of whole  
on Court of chancery  
Bill, postponed till  
Tuesday next.

The Order of the day for the House in Committee on the engrossed Bill from the Legislative Council, intituled "*An Act to explain and amend an Act passed in the Provincial Parliament of Upper Canada, in the seventh year of the Reign of King WILLIAM, the Fourth, intituled 'An Act to establish a Court of Chancery in this Province,' and to render more effectual the said Court,*" being read,

*Ordered*—That the said Order of the day be postponed until Tuesday next.

And then the House having continued to sit until a quarter of an hour before three of the clock on Friday morning, adjourned till this day.

Footnotes — 5 August 1841.

1. The debate ensuing was reported by: BRITISH COLONIST, 11 August 1841; KINGSTON CHRONICLE, 14 August 1841; LE CANADIEN, 9 August 1841.

2. BRITISH COLONIST, 11 August 1841.

3. KINGSTON CHRONICLE, 14 August 1841.

4. The debate which occurred on this motion was reported in: BRITISH COLONIST, 11 August 1841; KINGSTON CHRONICLE, 14, 18 August 1841; LE CANADIEN, 18, 20 August 1841, which contained a translation of the same report found in KINGSTON CHRONICLE, 14, 18 August 1841, except that LE CANADIEN's report includes several speakers not mentioned by the CHRONICLE; WESTERN HERALD, 8 September 1841. Commentaries are found in: LE CANADIEN, 9, 11 August 1841.

5. KINGSTON CHRONICLE, 14 August 1841.

6. BRITISH COLONIST, 11 August 1841.

7. KINGSTON CHRONICLE, 14 August 1841.

8. IBID.

9. BRITISH COLONIST, 11 August 1841.

10. IBID.

11. IBID.

12. KINGSTON CHRONICLE, 14 August 1841.

13. IBID.

14. IBID.

15. IBID.

16. IBID.

17. IBID.

18. IBID.

19. IBID.

20. IBID.

21. IBID., 18 August 1841.

22. IBID.

23. IBID.

24. LE CANADIEN, 20 August 1841.

25. IBID.

26. BRITISH COLONIST, 11 August 1841.

27. LE CANADIEN, 20 August 1841.

28. IBID.

29. BRITISH COLONIST, 11 August 1841. LE CANADIEN, 20 August 1841, contains the report of a speech by M. Main (sic), probably a misspelling of Morin. "M. Main, (en français). Mon intention n'est pas de causer la chute du bill, je veux seulement obtenir pour le Bas-Canada une mesure semblable et aussi bonne que celle destinée au Haut-Canada."

30. BRITISH COLONIST, 11 August 1841.

31. IBID.

## Friday, 6 August 1841.

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*Petitions brought up.*

Of John Le Boutillier and others.

J. A. Wilkes and others.

Board of Trade of Montreal.

Quebec Literary and historical society.

Ditto. (2)

Committee of Management National Schools Quebec.

B. R. Church, and others.

Chs. Morgan, and others.

Justices Home District.

Mayor Alderman &c. of City of Toronto.  
Mayor Alderman &c. (2)

Daniel Stott and others.

*Petitions read.*

Of Commissioners of Midland District Turnpike Trust.

Of Margaret Brislane.

Directors of Erie and Ontario Rail Road Company.

Of the Reverend R. V. Hall, and others.

Petition from Mayor &amp;c. of Toronto, referred.

The following Petitions were severally brought up, and laid on the table : —

By Mr. *Christie*, the Petition of *John Le Boutillier*, and others, Inhabitants of *Percé*, county of *Gaspé*.

By Mr. *Parke*, the Petition of *J. A. Wilkes*, and others, Freeholders and Inhabitants of the Township of *Brantford* and its vicinity.

By the Honourable Mr. *Moffatt*, the Petition of the Board of Trade, of *Montreal*.

By Mr. *Black*, the Petition of the Literary and Historical Society of *Quebec*, praying for a Geological Survey of the Province ; — The Petition of the Literary and Historical Society of *Quebec*, relative to an aid to support the said Society ; — and the Petition of the Committee of Management of the National Schools at *Quebec*.

By Mr. *Crane* — The Petition of *B. R. Church*, and others, inhabitants of the Township of *Marlborough*, and its vicinity, County of *Grenville*.

By Mr. *Boswell* — The Petitions of *Charles H. Morgan*, and others, inhabitants of the County of *Northumberland*, in the *Newcastle* District.

By Mr. *Buchanan* — The Petition of the Justices of the Peace of the *Home* District ; the Petition of the Mayor, Aldermen and Commonalty, of the City of *Toronto*, relative to the means of provided water for

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the City and the Petition of the Mayor, Aldermen and Commonalty, of the City of *Toronto*, relative to the monies arising from tavern and other licenses.

By Mr. *Delisle* — The Petition of *Daniel Stott*, and others, Proprietors of Lands in the Seignory of *De Léry*.

Pursuant to the Order of the day, the following Petitions were read :

Of the Commissioners of the *Midland* District Turnpike Trust, suggesting amendments to the Act intituled "*An Act to repeal, alter and amend, the Laws now in force for the regulation of the several macadamized roads within this Province.*"

Of *Margaret Brislane*, of the Township of *Emily*, in the District of *Newcastle*, stating that the Patent of half of Lot No. 9, in 10th Concession, located to her deceased husband, *John Brislane*, was, by mistake, granted to another person, and praying for a compensation.

Of the Directors of the *Erie* and *Ontario* Railroad Company, praying that the Legislative Assembly will sanction a loan of £2,500 to the Company from the Government.

Of the Reverend *R. V. Hall*, and others, inhabitants of the Township of *Stanstead*, County of *Stanstead*, praying that the Bible be adopted as a class book in all the Schools in this Province.

*Ordered* — That the Petition of the Mayor, Aldermen and Commonalty, of the City of *Toronto*, relative to the means of providing water for the City, be referred to the Special Committee to which were referred the Petition of *Joseph Masson*, and others, of *Toronto* ; the Petition of *W. B. Jarvis*, and others, of the City of *Toronto* ; and

the Petition of the Mayor, Aldermen and Commonalty, of the City of *Toronto*.

Special Committee on Petition of Grubb Musson, and others report.

Mr. Price, from the Special Committee, to which was referred the Petition of *John Grubb, Thomas Masson*, and others, inhabitants of the Townships of *Etobicoke, Vaughan, King*, and other places in the *Home* District, with power to report by Bill or otherwise, presented to the House the Report of the said Committee, which was again read at the Clerk's table, as followeth : —

Report of Special Committee on Petition of John Grubb, Thomas Musson, and others of Home District.

"Your Committee have examined the Petition referred to them, and find that great inconvenience is sustained by the inhabitants of those Townships from the want of a good road from the *Humber* Bridge in the rear of Lot No. 12, 5th Concession of *Etobicoke*, to the *Peacock Tavern* on *Dundas Street* — and the Petitioners having prayed to be incorporated into a Company to improve the road between those points, either by planking or macadamizing, Your Committee have prepared the draft of a Bill for that purpose, which they beg to submit for the favourable consideration of Your Honourable House."

Dundas and Humber macadamized road bill brought in and read first time.

Mr. Price then presented to the House a Bill to incorporate certain persons therein mentioned, for the purposes of making a macadamized road from *Dundas Street* to the river *Humber*, in the Township of *Etobicoke*, which was received and read for the first time.

Second reading Friday next.

*Ordered* — That the said Bill be read a second time on *Friday* next.

Special Com. on Resolutions of House for payment of wages to members of Assembly present report.

Mr. Small, from the Special Committee, to which were referred the Resolutions of this House of *Monday*, the 26th of *July* last, on the subject of the payment of wages to members of the House of Assembly, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

Report.

"Your Committee would recommend the adoption of an Address

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to His Excellency, the Governor General, acquainting His Excellency with the opinions of Your Honourable House, as expressed in the Resolutions of the 26th ultimo, and praying that His Excellency will be pleased to communicate his pleasure thereon to Your Honourable House, and therefore, herewith, submit an Address to His Excellency, for the adoption of Your Honourable House, in conformity therewith.

To His Excellency the Right Honourable CHARLES, BArON SYDENHAM, of *Sydenham*, in the County of *Kent*, and of *Toronto*, in *Canada*.

MAY IT PLEASE YOUR EXCELLENCY,

Address to His Excellency the Governor General, on payment of remuneration to members of the House of Assembly.

We, Her Majesty's dutiful and Loyal Subjects, the Commons of *Canada*, in Provincial Parliament Assembled, respectfully beg leave to acquaint Your Excellency that we did, on the 26th day of *July* last, by Resolutions, declare it to be the opinion of this House that it is expedient to repeal a certain Act of the Parliament of the late Province of *Upper Canada*, intituled "*An Act to alter the mode of payment of Wages to Members of the House of Assembly*," and to provide for the remuneration of the Members of the Legislative Assembly, at the several Sessions thereof, and that such remuneration ought to be paid by the Receiver General of this Province out of any monies in his hands, and unappropriated; copies of which resolutions are herewith communicated, and to which we respectfully beg leave to call Your Excellency's attention, and pray that Your Excellency will be pleased to communicate to this House, as early as possible, Your Excellency's pleasure thereon."



House concurs  
in address.

On motion of Mr. *Small*, seconded by Mr. *Christie*,  
*Resolved* — That this House doth concur with the Committee in the said Address to His Excellency the Governor General.

*Ordered* — That the said Address be presented to His Excellency by such members of this House as are of the Honourable the Executive Council of this Province.

De Gaspé's relief bill  
read 2nd time.

On motion of Mr. *Christie*, seconded by Mr. *Black*,  
*Ordered* — That the Order of the day for the second reading of the Bill for the relief of *Philippe Aubert De Gaspé*, fixed on *Tuesday* next, be discharged, and that the said Bill be now read a second time.

The said Bill was accordingly read a second time.

To be referred to  
com. of whole on  
Monday next.

*Ordered* — That the said Bill be referred to a Committee of the whole House, on *Monday* next.

Notaries bill read  
first time.

*Ordered* — That Mr. *Black* have leave to bring in a Bill to regulate the admission of persons to the Notarial Profession in that part of the Province called *Lower Canada*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Second reading  
Wednesday next.

*Ordered* — That the said Bill be read a second time on *Wednesday* next.

200 copies of Report  
of Com. to investigate  
Toronto riots, to be  
printed.

Mr. *Cameron* moved, seconded by Mr. *Christie*,

That 200 copies of the Report of the Commissioners appointed to investigate into the cause of the riot which occurred at *Toronto* after the late election for that City, be printed for the use of the members of this House.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative.

*Ordered* accordingly.

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Message from  
Legislative Council.

A Message from the Legislative Council by *John Godfrey Spragge*, Esq., Master in Chancery, —

MR. SPEAKER :

Board of Works  
bill passed.

The Legislative Council have passed the Bill, intituled "*An Act to repeal certain Ordinances therein mentioned, and to establish a Board of Works in this Province,*" without any amendment.

And then he withdrew.

Address to be sent to  
His Excellency for  
statement of moneys  
collected under 7 Wm  
4, chap. 95.

On motion of Mr. *Powell*, seconded by Mr. *Thorburn*.

*Resolved* — That an humble address be presented to His Excellency, the Governor General, praying that his Excellency will be pleased to cause to be laid before this House, a statement in detail of the monies that have been collected under and by virtue of an Act of the Legislature of that part of the Province formerly called *Upper Canada*, passed in the 7th year of the Reign of WILLIAM the Fourth, chapter ninety-five, intituled, "*An Act granting to His Majesty a sum of money for the erection of certain Light Houses within the Province, and for other purposes therein mentioned,*" from 1837 to 1840 inclusive — together with a statement including the cost of the several Light Houses that have been erected under and by virtue of the said Act, and the respective and aggregate expenses of keeping and maintaining the same during that period.

*Ordered* — That the said address be presented to His Excellency by such members of this House as are of the Honourable the Executive Council of this Province.

Report of Commissioners on Toronto riots referred to com. on petition of Peter Leppard.

Order of day for 2nd reading Montreal Board of Trade bill, postponed 'till Monday next.

Bill for relief of J. A. Tailhades, considered.

Proviso added to bill.

Bill as amended to be engrossed.

Table of fees to be allowed to Clerk of Crown in Chancery.

Administration of Justice in Magdalen Islands Bill brought in and read 1st time.

Second reading Monday next.

Order of day for com. of whole on N. A. Col. Association of Ireland bill, postponed until Friday next.

House to go into com. on duties on importation of produce & live stock, on Friday next.

House in Committee of whole, on Municipal Corporation bill.

On motion of Mr. Small, seconded by Mr. Christie,

*Ordered*—That the report of the Commissioners appointed to investigate into the cause of the riot which occurred at *Toronto* after the late election for that city, be referred to the Committee to which was referred the Petition of *Peter Lepard*, of *East Gwillimsbury*, *Home District*, and other references.

*Ordered*—That the Order of the day for the second reading of the Bill to incorporate the *Montreal Board of Trade* be postponed until *Monday* next.

On motion of the Honourable Mr. Moffatt, seconded by Mr. Delisle,

*Ordered*—That the Bill to secure to and confer upon *Jacques Alexandre Tailhades*, an Inhabitant of this Province, the Civil and Political Rights of a natural born *British Subject*, read a second time on *Wednesday* the 14th day of *July* last, be now taken into further consideration.

The House proceeded accordingly to take the said Bill into further consideration.

*Ordered*—That the following proviso be added to the first section of the said Bill, and do make part thereof :

"Provided always, that in order to entitle himself to the benefit of "this Act, the said *Jacques Alexandre Tailhades*, shall take and subscribe, before the Clerk of the Peace for the District of *Montreal*, the "Oath of Allegiance to Her Majesty, Her Heirs, and Successors ; and "that such Oath, so taken and subscribed, shall be kept by the Clerk "of the Peace among the Records of his Office."

*Ordered*—That the said Bill, as amended, be engrossed and read a third time on *Monday* next.

On motion of Mr. Henry Smith, seconded by Mr. Thorburn.

*Resolved*—That the following fees be allowed to the Clerk of the Crown in Chancery, and the Clerk of this House, for the time being,

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for ascertaining and taxing the amount of costs on Election Petitions when the same have been declared frivolous (sic) and vexatious, or when the defence of the sitting member shall be declared frivolous and vexatious.

To the Clerk of the Crown in Chancery, for each taxation and Report, £1. 5. 0.

To the Clerk of this House for same services, £1. 5. 0.

*Ordered*—That Mr. Christie, have leave to bring in a Bill to provide temporarily for the administration of Justice in the *Magdalen Islands*, in the Gulf of *St. Lawrence*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

*Ordered*—That the said Bill be read a second time on *Monday* next.

*Ordered*—That the Order of the day for the House in Committee on the Bill to authorize the *North American Colonial Association of Ireland* to loan moneys, and to prosecute certain Public Works in the County of *Beauharnois*, be postponed until *Friday* next.

On motion of Mr. Prince, seconded by Mr. Roblin,

*Ordered*—That this House will on *Friday* next resolve itself into a Committee of the whole House to consider the expediency of imposing a duty on Agricultural and other produce, and also on live Stock, imported into this Country from the *United States of America*.

The Order of the day for the House in Committee on the Bill to provide for the better internal Government of that part of this Province, heretofore *Upper Canada*, by the establishment of local or municipal authorities therein ; and on the instruction given to the said Committee, being read,

The House accordingly resolved itself into the said Committee.

Mr. Hopkins took the chair of the Committee.<sup>1</sup>

L'hble. M. Harrison se leve pour proposer l'adoption de la quatrième clause qui est comme suit : "Et qu'il soit de plus statué qu'il sera loisible au gouverneur de la Province, d'appointer de tems à autre par lettres patentes émanées sous le grand sceau de cette Province, une personne convenable pour être Syndic (*Warden*) de chaque district, pour les fins du présent acte ; et tel syndic demeurera en office durant bon plaisir."

Comme le sort de ce Bill dépend entièrement de cette clause, il est nécessaire de la discuter avec calme. Cette disposition a été établie pour correspondre avec celle de la loi maintenant existante dans la partie Est de cette province. En réalité, il n'y a aucune différence entre les dispositions du bill et cette loi, exceptée celles qui sont essentiellement nécessaires pour convenir aux circonstances (sic) des deux parties de la province. Dans le Haut-Canada nous avons la base sur laquelle nous pouvons asseoir cette loi ; dans le Bas-Canada, il en est différemment. C'est là toute la différence. C'est sur ce principe que le gouvernement (sic) a jugé nécessaire de présenter ce bill dans sa forme actuelle et c'est sous cette forme qu'il est obligé de la (sic) faire passer. Il est important dans la considération de cette question de ne pas perdre de vue qu'il y a une grande différence entre un acte et un bill. Le bill peut demeurer bill, et le pays n'en retire aucun avantage. Je suis loin de dire que ce soit le meilleur mode de disposer de ce sujet ; mais un hble. membre pour l'opinion duquel j'ai le plus grand respect, a dit qu'on ne peut citer aucun précédent au soutien de cette mesure dans les quatre parties du monde. Si cela est vrai, nous devons procéder avec la plus grande prudence. On a dit aussi que la mesure n'est pas calculée à accorder au peuple aucun avantage, et qu'elle limite les pouvoirs de cette chambre. Mais quel raisonnement est-ce que de dire que cette mesure retrécit le pouvoir de la chambre ? Est-ce pour notre propre avantage que nous sommes ici, ou pour celui du pays en général. De tout côté on désire ce bill. L'hble. membre pour Port-Neuf, crie que non. Je m'attends à ce que cet hble. membre opposera cette mesure de toutes ses forces, par ce (sic) qu'elle donne une extension à l'influence du peuple. Quelques membres objectent à ce que les Syndics soient choisis par le gouverneur, et disent que ce pouvoir ôte au bill tout son caractère de popularité. Mais considérons un instant quels sont les devoirs des Syndics. Ces devoirs sont de présider, et dans le cas d'égalité de voix, de donner la voix prépondérante. Ce n'est simplement que dans ce cas d'égalité de voix, que leurs votes sont requis ; et c'est précisément le cas dans lequel, comme tout le monde l'admet, que l'exécutif doit intervenir. Si les conseils de districts sont unanimes sur un sujet, et que ce sujet soit dans leurs attributions, l'intervention du gouvernement cesse naturellement. On a beaucoup parlé de l'influence du pouvoir de l'exécutif. Je suis content de ce que la majorité de cette chambre et du pays consente à confier à l'exécutif ce degré (sic) de pouvoir que ce bill lui accorde. Je suis aise d'entendre les hbles membres crier, "écoutez", cela montre qu'ils approuvent ma proposition, (cris de oui). *Tout pouvoir émane du peuple* ; (écoutez) ; c'est une vérité incontestable. Quelques membres disent que cette mesure n'est pas aussi parfaite qu'elle pourrait l'être : cela est vrai. Mais j'espère que la partie Ouest de la province ne sera pas privée de cette mesure, qui si elle n'est pas la meilleure possible, est cependant désirable. C'est une mesure, libérale, et d'une libéralité telle que jamais une semblable n'a été proposée depuis le premier établissement du gouvernement. Je me flatte qu'il n'existera pas de coalition entre ceux dont je respecte l'opposition à cause de leur consistance, et ceux qui sont toujours les premiers dans la cause de la libéralité. Voici une concession importante faite au peuple ; pourquoi serait-elle refusée ? Serait-ce parce qu'on a quelque objection au mode dans lequel l'autre loi a été passée ? Si la loi est bonne, peu importe la source d'ou (sic) elle vient. La présente mesure est considérée comme bonne, ne nous querrellons donc pas alors à son sujet. Il y a des raisons qui ont engagé le gouvernement à adopter la marche qu'il suit. Il y a des raisons, et des raisons d'un très grand poids ; et si ce comité ou la chambre n'ont point de confiance dans le gouvernement ou dans les messieurs dont j'ai l'honneur d'être le collègue, qu'ils le disent. Si au contraire ils ont confiance dans l'administration, ont (sic) doit nous supposer des motifs puissans (sic) d'agir comme nous agissons. Une administration responsable est de nature à nécessiter une indulgence réciproque. J'ai pensé qu'il était nécessaire de faire ces observations générales, et quelque soit le résultat, je suis obligé de soutenir la clause telle qu'elle est. (Ecoutez).<sup>2</sup>

Mr. Harrison said, with respect to the laying out of the districts, it had been done with a due regard to the interests of all. There might be some exceptions, for instance Niagara, according to the Court of Request Bill also, dividing the courts into six, it might be inferred that this provision admitted of alteration — take the Home District — it contained one county and four ridings. The house would however exercise its own judgment, in amending or allowing the clause.<sup>3</sup>



**Mr. Berthelot.** Je n'ai que peu d'observations à offrir au comité. Je suis porté à soutenir le bill, mais je veux que l'on comprenne bien que je ne le regarde pas comme une aussi grande faveur que plusieurs hbles. membres le prétendent. On peut avec raison contester que ce bill soit une faveur. Je suis d'opinion qu'il ne peut exister de gouvernement responsable dans une colonie ; et je suis peiné de voir qu'on abuse le peuple par l'apparence d'un gouvernement responsable. Il vaudrait autant dire que la couronne d'Angleterre est responsable envers nous (car un gouvernement responsable ne signifie rien autre chose) ; et une semblable prétention est souverainement ridicule. Je désire être bien compris ; je ne veux pas agir en aveugle sur aucune mesure. Je ne considère pas ce bill comme une faveur. Mais s'il y a du bon dans ce bill, je désire que toute la province en profite également.<sup>4</sup>

**Mr. Viger.** J'ai écouté avec plaisir les observations faites par l'hble. membre qui représente le gouvernement. J'ai entendu avec plaisir la déclaration que tout pouvoir vient du peuple ; mais il ne faut pas trop se fier à la profession de foi de l'hble. Monsieur. J'aurais désiré que l'hble. Monsieur eut tiré des conséquences exactes de ce principe ; et il a fait justement le contraire. Il nous a dit d'abord que le gouvernement nous conférerait une grande faveur ; qu'il n'en pouvait exister de plus grande. Maintenant je demande à l'hble. Monsieur de déclarer consciencieusement (sic) si cette prétendue faveur n'est pas une chose que nous ayons droit d'avoir ? (Ecoutez.) Suivant le bill, tous les officiers salariés doivent être nommés par le gouverneur ; et cela est une concession sans exemple ? Les syndics seront en rapport avec le gouvernement qui exercera sur eux une très grande influence ; et cela sera encore une concession sans exemple ? Le syndic nommera un des auditeurs, et le conseil nommera l'autre. L'auditeur sera nommé par le syndic appointé par le gouvernement ; et l'hble. Monsieur nous dit que cette mesure est une grande, très grande faveur, et qu'il entend faire passer, ce bill, tout ce bill, et rien autre chose que ce bill ! Je prie les hbles. membres de me pardonner si je parle avec chaleur ; mais si mon coeur est chaud, ma tête est froide.<sup>5</sup>

**Mr. Merritt.** Personne plus que moi, ne désire voir mettre à effet le principe du bill ; Néanmoins je doute beaucoup du succès de la mesure. L'hble. moteur admet lui-même que ce n'est qu'une expérience ; mais il ne nous a donné aucune bonne raison pour nous convaincre que nous devons nous soumettre à cet essai. (Ecoutez.) Je ne puis comprendre pourquoi cette mesure n'est pas construite d'après les principes énoncés par le gouvernement impérial, qui a déclaré que les Syndics devaient être électifs. S'ils sont nommé par le gouvernement, on peut prévoir une collision entre l'exécutif et les conseils. Mais dit-on, les syndics n'ont pas de pouvoir ? pourquoi alors lors (sic) le gouvernement les nomme-t-il ? Quant au pouvoir de désavouer les actes des conseils, on ne peut objecter à ce que ce pouvoir soit accordé (sic) à l'exécutif ; mais je ne puis voir la nécessité de laisser la nomination des syndics au gouvernement. L'effet de ces appointements sera de créer de la méfiance et de la dissension dans les conseils. Cette objection est très puissante, et j'espère que l'hble. membre modifiera sa mesure quant à cette partie. (cri de non.) Dans ce cas, je doute beaucoup de la convenance de passer le bill. Au lieu d'atteindre le but désiré, il établira la méfiance et les querelles ; et bien loin d'être considéré comme une faveur, le peuple en demandera bientôt le rappel.<sup>6</sup>

**Mr. Merritt** was for divisions according to counties — praising Governor Simcoe's plan of laying out the land, every farm of 200 acres, having a road close at hand.<sup>7</sup>

**M. Baldwin.** Je ne crois pas qu'il soit nécessaire que j'entre de nouveau dans la discussion entière de ce bill ayant déjà exprimé mes sentiments à cet égard. Je me bornerai donc à faire des observations sur l'amendement que je me propose de faire. On se rappellera (sic) que l'ordonnance (sic) du Bas-Canada sur le même sujet, a été référée au comité, dans l'intention, comme je l'ai compris, de mettre les deux parties de la province sur un même pied d'égalité. L'amendement que je me propose de faire et d'offrir à la considération du comité, est calculée (sic) à mettre cette intention à effet, en limitant à trois années, le pouvoir du gouvernement de nommer les syndics, et pour les rendre électifs à l'expiration de ce délai dans toute la province. J'ai entendu avec satisfaction l'aveu fait par l'hble. Monsieur des principes sur lesquels l'administration entend être responsable ; mais en même tems je ne puis m'accorder d'opinion avec lui sur l'application qu'il fait de ces principes. Le savant monsieur déclare que c'est l'intention du gouvernement d'assimiler les institutions des deux sections de la province ; et cependant il nous dit qu'il y a des difficultés insurmontables qui empêchent de mettre le bill sous une autre forme que la présente. Je ne suis pas près (sic) à admettre l'existence de ces difficultés, ni dans le cas où elles

existeraient, à dévier d'un pouce de la marche que je crois devoir nécessairement suivre à l'égard du bill. Il est certainement curieux d'entendre l'hble membre déclarer qu'il désire rendre pareilles les institutions des deux parties de la province, et dire au même instant, que le bill ne peut le moins du monde être changé. Je ne suis pas disposé à infliger au Haut-Canada une loi imposée au Bas-Canada par un pouvoir despotique. Je ne pourrai jamais souscrire à la doctrine que nous ne pouvons faire aucun amendement à une mesure introduite dans cette chambre par un membre du gouvernement qui nous dit que des objections insurmontables s'opposent à tout amendement, et que nous devons adopter ce bill tel qu'il est ou n'en pas avoir du tout. (Ecoutez). L'hble membre dit qu'il est désireux d'assimiler ces lois ; néanmoins je me rappelle la vigoureuse résistance par lui faite lors de la motion de référer à ce comité l'ordonnance du conseil spécial.

On a dit que la différence qui existe entre le bill et l'ordonnance, n'est due seulement (sic) qu'aux circonstances particulières du Bas-Canada ; c'est sous de semblables prétextes qu'on dépouille le peuple de ses droits les plus chers. Le parlement impérial lui a ôté la plus grande partie de la représentation. Dans une occasion comme celle-ci, l'hble. monsieur devrait mettre de côté toutes les jalouses distinctions de cette nature. Le savant monsieur a encore répété aujourd'hui que les syndics n'ont aucun pouvoir ; il est entré dans un long raisonnement pour prouver que celui qui préside un corps délibératif, doit avoir la voix prépondérante. L'hble. monsieur peut faire résonner à nos oreilles, que les syndics n'ont pas de pouvoir ; il est absurde de dire que ceux qui présideront les assemblées des conseils, qui nommeront quelques uns des officiers de ces conseils, n'auront pas de pouvoir ; et c'est sans doute pour cela que l'hble. membre est si tenace à prétendre que ces appointemens (sic) doivent être laissés à l'exécutif. L'hble. membre nous a dit, l'ordonnance du Bas-Canada, entre en opération, laissez là (sic) opérer. Je veux éprouver la sincérité de l'hble. monsieur par cet amendement qui aura l'effet de déterminer l'opération de la mesure et pour le Haut et le Bas-Canada ; cependant l'hble. monsieur refuse de concourir dans cet amendement. Mais si l'hble. membre a des doutes sur l'effet de cette mesure, ne devons nous pas nous, l'adopter avec une très grande prudence ? L'hble. membre a parlé de coalition ; assurément il devrait être le dernier à prononcer ce mot. La coalition qui existe entre lui et ses collègues du ministère, et la coalition la plus inexplicable que l'on puisse voir. J'ai une accusation à porter contre l'hble. monsieur. Depuis deux mois nous sommes en session, et ce monsieur n'a pas encore expliqué les raisons de la coalition qui règne dans l'administration. De quel droit une semblable administration peut-elle réclamer la confiance du peuple ? Elle détruit elle-même le bill en refusant d'y faire les légers changemens sans lesquels elle ne sera qu'une cause de perpétuelle de collision entre le gouvernement et le peuple. Je désire que cette mesure ait pour but de réunir plus étroitement les intérêts du gouvernement et du peuple ; sans cela on ne peut avoir de bon gouvernement. Quant à la menace que l'on nous fait d'un changement dans l'administration provinciale en conséquence de celui qui peut arriver en Angleterre dans le ministère, je m'inquiète fort peu d'un tel changement. Si le peuple est consistant avec lui-même les concessions que l'on nous offre maintenant contiennent les principes d'une régénération politique dont le parlement impérial ne peut nous priver. Je termine en proposant mon amendement, qui je l'espère, en justice à ce que nous devons aux désirs du pays, sera adopté par le comité.<sup>8</sup>

**Mr. Harrison** said, the principle of a county division would be the best, but as it would require that the machinery of the bill, together with the existing laws, should be altered, he thought it would be as well to allow the districts to remain as they had been divided.<sup>9</sup>

((This)) was agreed to.<sup>10</sup>

Clause 3rd, at the suggestion of **Mr. Viger** was postponed.<sup>11</sup>

Clause 4 — the all important clause, relative to the appointment of Warden, came on next.<sup>12</sup>

**Mr. Harrison** said, this was the clause, upon which the measure would either stand or fall ; giving to the Governor the power of appointing the Warden by letters patent from time to time. The Governor felt pledged to carry the bill, as it now stood. There was, he would observe, a great difference between a *Bill* and an *Act* — the latter of which this might or might not eventually become ; the power of converting it into such, resting in the hands of those who had been deputed by the people to advocate and support their rights. It was said that the bill would curtail the privileges of the house ! — What if it did ? (which, however he denied) — but if it did, what would that signify, if the public, whose servants they were, was benefited by it. What *was* the power of the Warden ? — to have a casting vote. If the district councils confined their deliberations within *proper bounds*, the Executive



would not *attempt* to interfere; the veto was therefore *only* intended as a proper *check* when the collision of feeling ran high, and the council *interfered in matters* that it had *no* concern in. With this view he could not see, that with a due regard to the British interests, the appointment of Warden could be conceded by the Executive. As to the ordinance of Lower Canada, it was due to the Government that it should be tried — if it *did not* work well, he would be the first to step forward to amend it. (Hear, hear.) Without any personal allusions however, he thought that mixing it up with the present bill, was done solely with the view of embarrassing (sic) it — (so it is — no.) He would not hesitate to say that, since Canada had received a constitution, no measure so truly liberal as this, and conceding *so much* to popular influence, had ever been offered. If the measure *was* allowed to be a good one, he trusted they would not neglect to take advantage of it, although it might not be altogether perfect. There *were* reasons, all *important* reasons, that the bill should pass with its provisions as they were. — Considering the liberal views which the Government had hereby evinced, he considered that it was entitled to a firm and substantial support, in carrying out a measure, consistent with its responsibility, a responsibility implying power on the one hand — obligation on the other.<sup>13</sup>

**Mr. Viger** went on his old strain about opposition, tyranny, injustice, robbery.<sup>14</sup>

**Mr. Baldwin** was unfortunately not noted down.<sup>15</sup>

**Mr. Harrison** rose against the amendment, alleging as he had formerly done, the indisposability (sic) of this point being conceded to the Government —<sup>16</sup>

**Mr. Baldwin** said that he would not swerve one inch from his duty, in passing the amendment, though the bill (which he declared was most grievously at variance with the special ordinance) should be thrown out. The places of election he said were disapproved of in Lower Canada. He wished to hear no more of the peculiar situation of the Lower Province, — the union bill under that plea, having deprived the inhabitants there of their privileges (sic), (alluding to the number of representatives no doubt, — but had this not been done, in the way that Mr. Baldwin and *his* followers have united with the Lower Canadians, what would have been the fate of British interests in Canada the present session.) With respect, he said, to the wardens having no power, such a situation gave, and very properly, a *great deal* of power, for that very reason, the executive had reserved the right of appointing the Warden. If it was desired to test these municipal institutions, let a specified time be appointed with limits for a trial of them. As to the coalition of Sir Allan MacNab with him, (Mr. B.,) Sir Allan might probably direct his views to the same end as himself though through a different medium. The coalition on the other hand of the treasury benches, he declared was unaccountable and demanded such an exposition of it as would remove all suspicion.<sup>17</sup>

**Mr. Boswell.** Mon hble. ami pour Hastings a abandonné cette sincérité et cette modération qu'il a toujours si hautement professées. Il a montré dans la marche qu'il a suivie par rapport à ce bill qu'il agit sincèrement, qu'il le regarde comme un bienfait, comme une mesure fondée sur de vrais principes constitutionnels, et qui sera reçu du peuple comme un heureux présent. Si tel n'est pas le cas, je ne puis comprendre la conduite de l'hble. Monsieur. Si l'hble. membre considère (sic) cette mesure tellement despotique que tout peuple qui possède une semblance de liberté ne pourrait la supporter, comment se fait-il qu'il désire la faire entrer en opération et la mettre en force pour trois années suivant son amendement tel que constitué maintenant. Comment se fait-il que l'hble. et savant Champion des opinions libérales dans cette chambre, désire imposer pour trois ans à ses constituants cette mesure de despotisme. Je n'aime pas assez l'esclavage pour endurer trois ans ou même trois minutes ce qui est si détestable, ainsi que l'hble. membre pour Richelieu considère le présent bill (Ecoutez, écoutez.) L'hble. membre a exprimé ses sentiments tellement *suaviter in modo*; qu'il me met dans l'impossibilité de croire qu'il n'est pas sincère: L'hble. membre pour Richelieu regarde cette mesure comme despotique, tandis que le chef de l'opposition au gouvernement de sa majesté la regarde comme un bienfait. (Ecoutez, écoutez) J'ai entendu un hble. membre parler aussi des matériaux discordants dont se compose l'administration, mais si l'Union avec ses notes discordantes produit toujours une semblable harmonie, je ne m'opposerai pas à l'union. Si tels doivent en être les fruits (et c'est toujours par les fruits que l'on doit juger les choses), l'union est désirable. Malgré les observations de l'hble. membre pour Kamouraska, j'ai encore confiance dans le gouvernement responsable.



Si cet amendement est adopté, je me croirai obligé, quelque soit le membre qui le propose de voter également pour son introduction dans l'ordonnance du Bas-Canada ; et comme il pourrait en suivre des conséquences fatales au succès du bill, je vais m'opposer de suite à l'introduction de cet amendement dans les deux cas.<sup>18</sup>

**Mr. Price** was for a modification, otherwise he could not support the bill. —<sup>19</sup>

**M. Hincks.** C'est avec beaucoup de regret que je me trouve obligé dans cette occasion de m'opposer à ceux avec lesquels j'ai coutume de marcher. Mon savant ami pour Hastings, je n'en doute pas (sic), agit d'après des principes consciencieux (sic) et consistants ; mais je ne puis considérer la mesure sous le même point de vue que lui, car il n'aurait pas adopté cette marche qui doit lui être fatale. (Ecoutez, écoutez). Je suis le dernier membre de cette chambre qui puisse être intimidé ou entraîné par les savants membres à l'opposé ; mais je sais qu'il y a une puissante opposition à l'introduction de ce bill de la part des hbles. membres qui sont déterminés à priver le peuple du pouvoir d'avoir en main le maniement de ses affaires locales. (Ecoutez, écoutez). Les hbles. membres disent d'un côté que cette mesure est républicaine, et de l'autre ils nous disent que c'est une mesure tyrannique et despotique au dernier degré. Ces messieurs peuvent rire, mais comment pourront-ils concilier une si lourde contradiction ? Les raisons qui m'ont induit à supporter le bill tel qu'il est maintenant constitué sont en premier lieu, parce que je désirerais passer quelque légère (sic) imperfection uniquement pour supporter le principe du bill. Je désirerais que l'on abolît le système maintenant existant qui met le maniement des fonds des districts entre les mains des magistrats nommés par le gouverneur et sur lesquels le peuple n'a aucun contrôle. Non seulement les magistrats, mais encore les trésoriers sont nommés par le gouvernement et on nous dit que parce que le gouvernement doit nommer le *Warden* des conseils de district, on ne doit pas considérer cette mesure comme un bienfait. Je n'approuve pas le principe des nominations entre les mains de l'exécutif, mais je ne considère (sic) pas cela d'une importance si vitale, que l'on doive désirer en conséquence rejeter (sic) entièrement la mesure. L'objection la plus grande que je puisse rencontrer, c'est que l'on veuille m'induire à me joindre à ceux qui s'opposent au principe du bill dans l'intention de le détruire. Je ne puis consentir à prendre une marche qui le menerait (sic) à sa destruction. (Ecoutez, écoutez.)<sup>20</sup>

**Mr. Turcotte** was violently opposed to the bill.<sup>21</sup>

**Mr. Small :** C'est la troisième fois que l'on revient sur ce sujet ; et si les honbles. messieurs qui ont fait quatre à cinq discours s'en fussent tenus à la question, ils en seraient maintenant plus avancés. Je pense qu'il importe peu que le *warden* soit nommé par le gouverneur ou par le peuple pour les trois premières années, mais il est important que le pays comprenne la mesure. Je ne désire pas souscrire à la doctrine, qu'en passant cette mesure, nous avons, dessein de souscrire au sentiment d'une autre branche de la législation, et que nous ne devons pas amender le bill en question de peur qu'il ne demeure à l'état de bill. Mais j'aimerais mieux que l'on acceptât le bill tel qu'il est, plutôt que de n'avoir pas de bill du tout ; dans l'espérance que le peuple élirait une représentation pour ces conseils qui pût faire disparaître les mauvais effets produits par l'influence de l'exécutif et je ne doute nullement que la loi ne fut amendée, et perfectionnée à la satisfaction générale.<sup>22</sup>

**M. Roblin.** Je dois faire apologie au comité pour le peu de moments précieux que je lui dérobe encore. (Non, non, continuez). Je ne puis m'empêcher d'exprimer mon étonnement en entendant les hbles. membres déclarer que bien qu'ils désirent voir amender le bill, cependant ils aimeraient à l'accepter tel qu'il est plutôt que d'avoir, ce que nous appelons le vieux gouvernement irresponsable. Les magistrats dans les quartiers de sessions se font livrer les comptes des districts, et on ne permet le déboursement d'aucun argent sans que l'on produise une autorité pour cela ; et voilà ce que les hbles. membres appellent le système irresponsable. L'hble. et savant Monsieur aura le bill et rien autre chose que le bill, mais je dis, donnez-moi un bon bill. (Ecoutez, écoutez). Le bill est offert à un haut prix et dans cette chambre et dans le pays.<sup>23</sup>

**Mr. Cartwright** made an apology to the Lower Canadians for having at one time presumed to doubt their loyalty, which he was ready to acknowledge as A1. He called upon them now as allies to assist him in kicking out the bill, treasury benches, reformers, and the whole posse of those who dared to assume a right to manage their own local affairs. —<sup>24</sup>

**Mr. Boswell** was not surprised at this, he (Mr. C.) had always opposed liberal institutions, and as to his strictures on democracy, he begged leave to tell him that those who *supported* the bill, would stand up as sturdily against republicanism as those who *opposed* it.<sup>25</sup>

**Mr. Simpson** inquired of Mr. Cartwright, whether his party would substitute a more liberal measure if they succeeded in defeating this? <sup>26</sup> Bien que je désire accorder au savant membre pour Hastings toute confiance dans la sincérité de ses intentions en proposant cet amendement, cependant je ne puis consentir à m'unir à lui pour le supporter, parce que, comme le bill a été justement caractérisé une mesure républicaine, il n'y a de sûreté que dans la clause que l'hble membre désire amender.<sup>27</sup>

**Sir A. MacNab.** J'ai déjà dit que je m'oppose entièrement au bill, et je m'unirai à un membre ou à un parti quelconque pour le renverser. Je m'unirai aussi bien avec des membres libéraux qu'avec des conservateurs, si, en le faisant, je puis obtenir le renvoi du bill. J'espère que les hbles. Messieurs jugeront la question par eux-mêmes, et n'agiront pas comme paraît incliné à le faire, l'hble. membre pour Oxford; c'est-à-dire qu'ils ne sacrifieront pas leur jugement à la volonté du banc de la trésorerie, ou à celle d'une autre branche de la législature; et j'espère que l'hble. membre lui-même ne se montrera pas si traître à ses constituants, après qu'il leur a tant de fois déclaré qu'il n'avait point de confiance dans l'administration actuelle.<sup>28</sup>

L'honble **Mr. Harrison.** Je ne vois pas que l'hble membre pour Oxford sacrifie en cela son opinion il a droit de prendre telle démarche qu'il croira devoir procurer le bonheur du peuple. Quant à l'amendement, je dirai simplement, qu'il attaque si matériellement le principe de la mesure que si on consentait à l'adopter il faudrait rejeter le bill entièrement (écoutez, écoutez).<sup>29</sup>

((Mr.)) **Viger** spoke again....<sup>30</sup>

**M. Moffatt.** J'incline à voter pour l'amendement; comme la chambre semble désirer donner cette mesure au pays, il est de son devoir de la rendre aussi parfaite que possible. On nous dit que la charge de Warden, est importante par l'influence qu'elle exercera, si tel est le cas, pourquoi ne pas rendre la mesure conforme à la volonté du peuple? Si l'hble membre qui conduit la mesure n'est pas préparé à se désister entièrement de son principe il n'aurait pas dû du tout introduire la mesure. (Ecoutez, écoutez) C'est en vain qu'il espère faire passer le bill sous la forme qu'il lui a donnée et qu'il veut lui conserver. L'hble monsieur déclare que si l'amendement passe il sera fatal au bill; je demanderai à cet ? (sic) hble monsieur, pourquoi nous sommes ici assemblés? Est-ce pour s'entendre avec le souverain, (Ecoutez, écoutez).<sup>31</sup>

**Mr. Johnston** and several other gentlemen spoke....<sup>32</sup>

La question ayant été posée (sic) pour l'amendement les comité se divise ainsi, 33 pour — 33 contre. Le président donna sa voix prépondérante contre, et l'amendement fut conséquemment perdu.<sup>33</sup>

After the division, **Sir A. MacNab** asked whether after such a division the Hon. Secretary would proceed with the bill....<sup>34</sup>

Certainly said **Mr. Harrison** ... certainly said he, I do....<sup>35</sup>

**Mr. Johnston** then moved that the committee do now rise.<sup>36</sup>

**Mr. Baldwin** was opposed to the motion. He was in favor of the bill, and would endeavour to make it as good as possible. He would not pledge himself to vote for it in its present shape, but he was not disposed to embarrass its progress in any way.<sup>37</sup>

The motion for rising having been negatived, the committee made some progress with the clauses....<sup>38</sup>

(302)

And the House having continued to sit until after 12 o'clock, on *Saturday* morning.

Several Members having retired, Mr. Speaker resumed the chair.

The names of the Members present were taken down as followeth :

Mr. Speaker,

Mr. *Baldwin*, Mr. *Borne*, Mr. *Boswell*, Mr. *Boutillier*, Mr. Solicitor General *Day*, Mr. *Delisle*, Mr. *Derbshire*, Mr. *Gilchrist*, Mr. *Hale*, the Honourable Mr. *Harrison*, Mr. *Hopkins*, Mr. *Parke*, Mr. *Powell*, Mr. *Prince*, Mr. *Simpson*, and the Honourable Mr. *Viger*.

And at half past 12 o'clock on *Saturday* morning, Mr. Speaker adjourned the House, for want of a quorum, until *Monday* next.

House adjourns for  
want of quorum.

Footnotes — 6 August 1841.

1. The debate occurring in committee was reported by : LE CANADIEN, 25 August 1841 ; WESTERN HERALD, 8 September 1841 ; BRITISH COLONIST, 11 August 1841, containing both a report of the debate and a commentary ; MONTREAL GAZETTE, 9 August 1841, containing a commentary.

2. LE CANADIEN, 25 August 1841.

3. BRITISH COLONIST, 11 August 1841.

4. LE CANADIEN, 25 August 1841.

5. IBID.

6. IBID.

7. BRITISH COLONIST, 11 August 1841.

8. LE CANADIEN, 25 August 1841.

9. BRITISH COLONIST, 11 August 1841.

10. IBID.

11. IBID.

12. IBID.

13. IBID.

14. IBID.

15. IBID.

16. IBID.

17. IBID.

18. LE CANADIEN, 25 August 1841.

19. BRITISH COLONIST, 11 August 1841.

20. LE CANADIEN, 25 August 1841.

21. BRITISH COLONIST, 11 August 1841.

22. LE CANADIEN, 25 August 1841.

23. IBID.

24. BRITISH COLONIST, 11 August 1841.

25. IBID.

26. IBID.

27. LE CANADIEN, 25 August 1841.

28. IBID.

29. IBID.

30. BRITISH COLONIST, 11 August 1841.

31. LE CANADIEN, 25 August 1841.

32. BRITISH COLONIST, 11 August 1841.

33. LE CANADIEN, 25 August 1841.

34. WESTERN HERALD, 8 September 1841.

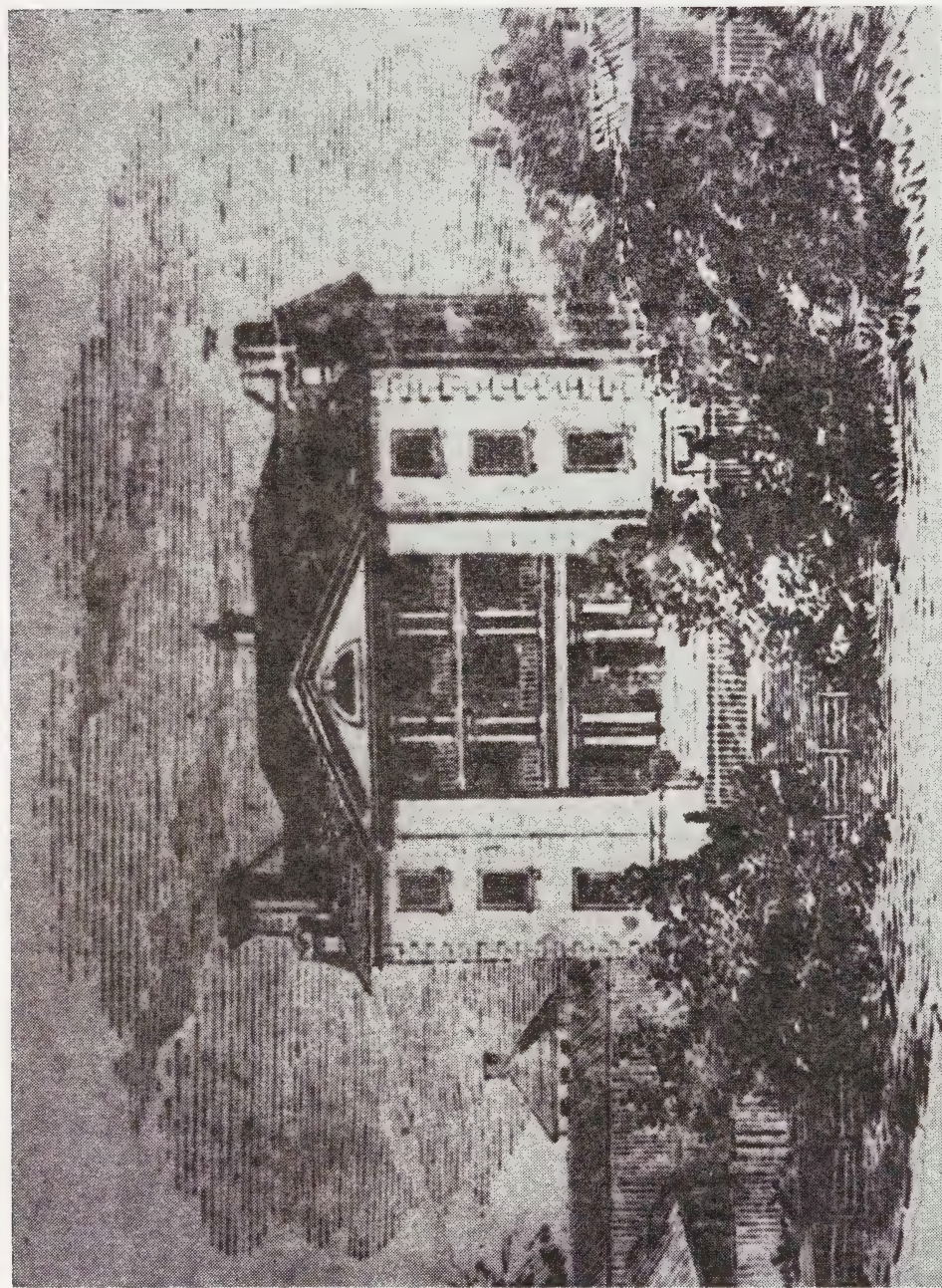
35. BRITISH COLONIST, 11 August 1841.

36. WESTERN HERALD, 8 September 1841.

37. IBID.

38. IBID.





From a print in the Public Archives of Canada.

Kingston Hospital,  
Seat of the First Parliament of United Canada

## Monday, 9 August 1841.

*Petitions brought up.*

J. A. Wilkes,  
and others.

(302)

The following Petitions were severally brought up and laid on the Table : —

By Mr. Attorney General *Draper*, — The Petition of *J. A. Wilkes* and others, near the *Grand River*, in the Districts of *Gore* and *Niagara*.

William New.

(303)

By Mr. *Harmanus Smith*, — The Petition of *William New*, of the Town of *Hamilton*.

Richard Louks, Jun'r.

By Mr. *McLean*, — The Petition of *Richard Louks, Junior*, and others, Members of the *Presbyterian* Congregation of *Osnabruck*.

Jacob Hailer and  
others.

By Mr. *Durand*, — The Petition of *Jacob Hailer*, and others, Inhabitants of the Townships of *Waterloo*, *Woolrich*, and other places ; — and the Petition of *Arthur Palmer*, and others, Members of the Board of Education for the District of *Wellington*.

Arthur Palmer,  
and others.

Presbyterian congrega-  
tion of South Gower.

By Mr. *Crane*, — The Petition of the *Presbyterian* Congregation of *South Gower*, in connexion with the Church of *Scotland* ; and the Petition of *James Maitland*, and others, inhabitants of the Township of *Marlborough* and other places.

James Maitland,  
and others.

Samuel Galloway,  
and others.

By Mr. *Robertson* — The Petition of *Samuel Galloway*, and others, inhabitants of the township of *Ramsay*, District of *Bathurst* — and the Petition of the Reverend *William Abbott*, Rector of *St. Andrews*, *Ottawa River*, and of the Members of his congregation.

Wm. Abbott &  
others.

William Wallace  
and others.

By Mr. *Cameron* — The Petition of *William Wallace*, and others, inhabitants of the township of *Ramsay*, District of *Bathurst* — and the Petition of *H. Glass*, and others, inhabitants of *Perth*, and its vicinity.

H. Glass, and others.

William B. Jarvis,  
and others.

By Mr. *Holmes*, the Petition of *William B. Jarvis*, and others, citizens of *Toronto*, praying that an Act may be passed in favour of *Joseph Masson*, and others, incorporating them under the title of "The city of *Toronto* Gas Light and Water Company."

Foregoing petition  
read.

On motion of Mr. *Holmes*, seconded by Mr. *Parke*,

*Ordered* — That the said Petition be now read, and that the rule of this House, of the 28th of *June* last, be dispensed with, as to the present Petition.

The said Petition was read accordingly.

Tailhades' relief bill  
read third time  
and passed.

An engrossed Bill to secure to and confer upon *Jacques Alexandre Tailhades*, an inhabitant of this Province, the civil and political rights of a natural born *British* subject, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That the Honourable Mr. *Moffatt* do carry the said Bill to the Legislative Council, and desire their concurrence.

*Petitions read.*

John Hetherington  
and others.

Pursuant to the order of the day the following Petitions were severally read :

Of *John Hetherington*, and others, inhabitants of the Township of *Montague*, suggesting certain alterations to facilitate the sale of *Canadian* produce.

George J. Holt,  
and others.

Of *George J. Holt*, and others, Inspectors of Pot and Pearl Ashes, of *Montreal*, praying that a Bill about to be introduced into the Legislative Assembly, by which Pot and Pearl Ashes may be shipped from this Province without inspection, may not pass ; or if the Bill do pass, to reestablish the old rates of fees.



Of John Le Boutillier,  
and others.

Of *John Le Boutillier*, and others, inhabitants of *Percé*, County of *Gaspé*, praying for an aid to support a School.

Of John A. Wilkes,  
and others.

Of *J. A. Wilkes*, and others, Freeholders and inhabitants of the Township of *Brantford*, and its vicinity, praying that so much of the 11th section of the 19th chapter of the Statute 56 GEORGE the Third, as separates from the county of *Haldimand* its *Western Division*, and makes it a part of the county of *Wentworth*, may be repealed.

Of Board of Trade,  
Montreal.

Of the Board of Trade of *Montreal*, praying that the 2nd section of the Ordinance 2nd VICTORIA, chapter 19, which fixes the limits of the Ports of *Quebec* and *Montreal*, may be repealed.

(304)

Of Literary and  
Historical Society  
of Quebec.  
Of Ditto.

Of the Literary and Historical Society of *Quebec*, praying for a Geological Survey of the Province.

Of the Literary and Historical Society of *Quebec*, praying for an aid to support the said Society.

Of Com. of Manage-  
ment of National  
Schools Quebec.

Of the Committee of management of the National Schools at *Quebec*, praying for an aid towards the support of the said Schools.

Of B. R. Church,  
and others.

Of *B. R. Church*, and others, Inhabitants of the Township of *Marlborough*, and its vicinity, County of *Grenville*, praying for an aid of £200, to make and repair a road through the said Township.

Of Charles Morgan,  
and others.

Of *Charles Morgan*, and others, Inhabitants of the County of *Northumberland*, in the *Newcastle District*, praying for aid to construct a Plank Road from the Town of *Cobourg* to *Rice Lake*.

Of Justices of Peace,  
Home District.

Of the Justices of the Peace of the *Home District*, praying that an Act may be passed with certain provisions to enable them to pay £1000, due by the said District.

Mayor, Aldermen,  
&c. of Toronto.

Of the Mayor, Aldermen, and commonalty, of the City of *Toronto*, praying that the moneys arising from Tavern and other Licenses, granted within the City, may be placed under the control of the Corporation.

Of Daniel Stott,  
and others.

Of *Daniel Stott*, and others, proprietors of lands in the Seignory of *De Léry*, praying that in any law which may be passed for the commutation of the Feudal Tenure, the value of the Land, without regard to the improvements, may be made the basis for calculating the value of the *Lods et Ventes*; and the rate at which lands were originally conceded, as the basis for the value of the *Cens et Rents*.

On motion of Mr. *Durand*, seconded by Mr. *Hopkins*.

Petition of A. Ding-  
wall Fordyce, and  
others, referred to  
Sel. Committee.

*Resolved* — That the Petition of *A. Dingwall Fordyce*, and others, Magistrates and Freeholders, of the District of *Wellington*, presented to the House on the 5th of July last, be referred to a Select Committee, composed of Mr. *Harmanus Smith* and Sir *Allan McNab*, to examine the contents thereof, and report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Petion (sic) of Wm. B.  
Jarvis, referred to  
Committee on petition  
of Joseph Musson,  
& others.

*Ordered* — That the Petition of *William B. Jarvis*, and others, Citizens of *Toronto*, be referred to the Special Committee to which were referred the Petition of *Joseph Masson*, and others, of *Toronto*; the Petition of *W. B. Jarvis*, and others of the City of *Toronto*, and the Petition of the Mayor, Aldermen and Commonalty of the City of *Toronto*.

On the motion of Mr. *Neilson*, seconded by Mr. *Christie*.

Committee of whole  
on subject of address-  
ing His Excellency  
the Governor General  
for free pardon of  
certain offenders, on  
Friday next.

*Resolved* — That this House will, on *Friday* next, resolve itself into a Committee of the whole House, to consider the expediency of addressing His Excellency, the Governor General, as representing the Crown in this Province, praying that the Royal prerogative may be exercised to the effect of granting a free pardon, indemnity and oblivion, of all crimes, offences, and misdemeanors, connected with the political disturbances which so unhappily have prevailed in the late Provinces of *Upper* and *Lower Canada*.



Montreal Roads Bill read second time, and to be referred to Com. of whole on Wednesday next.

A Bill to amend the Ordinance of the 3d VICTORIA, Chapter 31, for the improvement of the roads in the neighbourhood of, and leading to, the City of *Montreal*, was according to order, read a second time.

*Ordered*—That the said Bill be referred to a Committee of the whole House on *Wednesday* next.

Bill to exempt from duty the Holy Scriptures, read second time and ordered to be engrossed.

A Bill to exempt from duty all copies of the Holy Scriptures imported into this Province by navigation from Sea, was, according to order, read a second time.

*Ordered*—That the said Bill be engrossed.

(305)

Order of the day for second reading Highway Bill, postponed 'till Wednesday next.

The Order of the day for the second reading of the Bill to alter and amend an Act of the Legislature of *Upper Canada*, intituled "*An Act to provide for the laying out, amending, and keeping in repair, the public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose,*" being read,

*Ordered*—That the said Order of the day be postponed until *Wednesday* next.

Simcoe Gaol and Court House Bill read second time and to be referred to Committee of whole to-morrow.

A Bill to increase the sum which may be raised, under a certain Act therein mentioned, for defraying the cost of certain public buildings in the County of *Simcoe*, was, according to order, read a second time.

*Ordered*—That the said Bill be referred to a Committee of the whole House, on *Wednesday* next.

Surveyors' protection Bill read 2nd time, and ordered to be engrossed.

A Bill to grant authority to licensed surveyors to administer an oath in certain cases, and to protect them in the discharge of their duty, in surveying lands, was, according to order, read a second time.

*Ordered*—That the said Bill be engrossed.

Magistrates' Clerks appointment bill read second time.

A Bill to regulate the appointment of Clerks of Magistrates in country Parishes and Townships in the late Province of *Lower Canada*, and to provide Rules for their conduct, and that of Bailiffs, in certain cases, was, according to order, read a second time.

Copy right Bill read a second time and to be referred to a Committee of whole on Wednesday next.

A Bill for the protection of copy rights in that part of the Province formerly constituting *Upper Canada*, was, according to order, read a second time.

*Ordered*—That the said Bill be referred to a Committee of the whole House, on *Wednesday* next.

Order of the day for the 2nd reading of Agricultural Societies' Bill, postponed 'till Monday next.

The Order of the day for the second reading of the Bill to continue an Act relative to Agricultural Societies, and for other purposes therein mentioned, being read,

*Ordered*—That the said Order of the day be postponed until *Monday* next.

Bill to consolidate Heir and Devisee acts read 2nd time, to be referred to Com. of whole to-morrow.

A Bill to amend and consolidate the several Acts of the Legislature of *Upper Canada*, passed for the relief of persons claiming Lands under the nominees of the Crown, in cases where no Patent hath issued for such Lands, was, according to order, read a second time.

*Ordered*—That the said Bill be referred to a Committee of the whole House to-morrow.

Gaspé Judicature Bill read second time, and ordered to be referred to Committee of whole on Friday.

A Bill to make more ample provision than heretofore for the due administration of Justice in the territorial division of *Gaspé*, was, according to Order, read a second time.

*Ordered*—That the said Bill referred to a Committee of the whole House, on *Friday* next.

Bill to repeal part of Ordinance relating to Tavern-Keepers, read 2nd time and ordered to be engrossed.

A Bill to repeal the 2nd Section of an Ordinance of the Special Council, 4th VICTORIA, Chapter 42, relating to Taverns and Tavern-keepers, was, according to Order, read a second time.

*Ordered*—That the said Bill be engrossed.

Bill to amend Ordinances relating to Winter Roads, read 2nd time and ordered to be engrossed.

A Bill to amend two certain Ordinances therein mentioned relative to Winter Roads in that part of the Province formerly *Lower Canada*, was, according to order, read a second time.

Mr. *Armstrong* moved, seconded by Mr. *Neilson*,  
That the said Bill be engrossed.

(306)

Mr. *Watts* moved in amendment, seconded by Mr. *Holmes*,

That all the words in the said motion after the word "Bill" be struck out, and the following substituted : — "Be referred to a Committee of the whole House on *Friday* next."<sup>1</sup>

((Mr. *Watts*)) ... was opposed by Mr. *Aylwin*....<sup>2</sup> Mr. *Aylwin* spoke strongly against the Ordinance.<sup>3</sup>

Mr. *Quesnel* said, that as there were but few double sleighs in *Lower Canada*, he did not see that to have the shafts in the middle with high runners would injure the roads.<sup>4</sup>

Mr. *Child* was of opinion that we should think it rather *strange* that government should legislate for us in *these particulars*. The *Lower Canadians* ought to be able to manage such affairs as these themselves.<sup>5</sup>

Mr. *Moffatt* remarked, that in travelling through the eastern counties, *he* had not found the roads so good as had been stated, on the contrary he had frequently found sleighs stuck fast, and had been obliged to get out and use exertion to pass by them.<sup>6</sup>

(306)

The question being put upon the motion of amendment, a division ensued, and it passed in the negative.

The question being then put upon the main motion, it was agreed to by the House.

*Ordered* accordingly.

Papers relating to the Honourable John Gawler Thompson, presented to the House.

The Honourable Mr. *Daly* presented, pursuant to an Address of the House of Assembly of the 13th of *July* last, various papers having reference to the Honourable John Gawler Thompson, Provincial Judge of the Inferior District of *Gaspé*.

For the said Papers, see Appendix (W.)

And divers papers and documents relating to Municipal Districts of *Lower Canada*.

And, also, pursuant to an Address of the House of Assembly, of the 4th instant, divers papers and documents having reference to the erection of Municipal Districts in the late Province of *Lower Canada*.

For the said Papers and Documents, see Appendix (X.)

Message from His Excellency the Governor General.

The Honourable S. B. *Harrison*, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency, the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the members of the House being uncovered, and is as followeth : —

SYDENHAM,

Survey ordered of Black Creek, and Annis' Creek, in *Whitby*.

The Governor General informs the House of Assembly, in answer to their Address relative to a survey and report on the intended Harbours at the mouth of *Annis' Creek*, and *Black Creek*, in the Township of *Whitby*, that directions have been given to the Board of Works to carry the wishes of the House of Assembly into effect.

Government House,  
Kingston, 9th August, 1841. }

New Commission to issue to take evidence in the controverted Election for the Town of *Niagara*.

Mr. *Small* moved, seconded by Mr. *Woods*,

That it having been intimated to the Speaker of this House, that in consequence of John Shuter Smith, Esquire, Chairman of the Commission appointed to take testimony in the matter of the Petition of Robert Melville and John McBride, Electors of the Town of *Niagara*, complaining of the undue election and return of Edward Clarke Campbell, Esquire, as a member to represent the said Town of *Niagara* in this

present Parliament, having unavoidably been obliged to leave this Province for *Europe*, it has become necessary to issue a new Commission ; — Be it therefore Resolved that a new Commission do forthwith issue, to *Alexander Grant*, of the city of *Toronto*, Esquire, *Lorenzo D. Raymond*, of *St. Catherines*, Gentleman, and *Jacob Keefer*, of *Thorold*, Esquire, and that *Alexander Grant*, Esquire, be Chairman of the said Commission.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth : —

## YEAS.

<i>Baldwin,</i>	<i>Chesley,</i>	<i>Delisle,</i>	<i>MacNab, Sir A.N.</i>
<i>Berthelot,</i>	<i>Child,</i>	<i>Duggan,</i>	<i>McDonald, (Pres.)</i>
<i>Borne,</i>	<i>Christie,</i>	<i>Gilchrist,</i>	<i>McLean,</i>
<i>Boutillier,</i>	<i>Cook,</i>	<i>Holmes,</i>	<i>Merritt,</i>
<i>Buchanan,</i>	<i>Crane,</i>	<i>Killaly, Hon. H.H.</i>	<i>Moffatt, Hon. G.</i>

(307)

<i>Moore,</i>	<i>Powell,</i>	<i>Small,</i>	<i>Taché</i>
<i>Morin,</i>	<i>Price,</i>	<i>Smith, (Front.)</i>	<i>Turcotte,</i>
<i>Parent,</i>	<i>Raymond,</i>	<i>Smith, (Went.)</i>	<i>Viger, Hon. D.B.</i>
<i>Parke,</i>	<i>Robertson,</i>	<i>Steele,</i>	<i>Yule. — 36.</i>

## NOES.

<i>Cameron,</i>	<i>Foster,</i>	<i>Roblin,</i>	<i>Watts. — 7.</i>
<i>Cartwright,</i>	<i>Harrison, Hon. S.B.</i>	<i>Thorburn,</i>	

So it was carried in the affirmative, and —  
Resolved — Accordingly.

On motion of Mr. *Morin*, seconded by Mr. *Christie*,

*Ordered* — That the divers papers and documents having reference to the erection of Municipal Districts in the late Province of *Lower Canada*, laid before the House this day, by order of His Excellency, the Governor General, be referred to the Committee of the whole House on the Bill to provide for the better internal Government of that part of this Province heretofore *Upper Canada*, by the establishment of local or municipal authorities therein.

*Ordered* — That the said papers and documents be printed for the use of the Members of this House.

A Bill to incorporate the *Montreal* Board of Trade, was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Wednesday* next.

A Bill to provide temporarily for the administration of Justice in the *Magdalen* Islands, in the Gulf of *St. Lawrence*, was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Friday* next,

A Bill to establish a Company to be called the *Haldimand* Glass Works Company, was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Wednesday* next.

The Order of the day for the House in Committee on the Bill for the relief of *Philippe Aubert De Gaspé*, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Taché* took the chair of the Committee, and after some time spent therein,

Papers relating to  
Municipal Districts  
referred.

Municipal District  
documents to be  
printed.

*Montreal* Board of  
Trade Bill read 2nd  
time and to be refer-  
red to Committee of  
whole on *Wednesday*  
next.

*Magdalen* Islands  
Administration Jus-  
tice Bill read 2nd  
time and to be refer-  
red to Committee  
of whole on *Friday*  
next.

*Haldimand* Glass  
works Bill read 2nd  
time and to be refer-  
red to Committee of  
whole on *Wednesday*  
next.

House goes into  
Committee of whole,  
on Bill for relief of  
*P. A. De Gaspé*.



Bill reported without amendments and ordered to be engrossed.

Mr. Speaker resumed the chair,

And Mr. *Taché* reported that the Committee had gone through the Bill, without making any amendment thereto, and the Report was again read at the Clerk's table.

*Ordered* — That the said Bill be engrossed.

Order of day for Committee of whole on Municipal Bill postponed.

The Order of the day for the House in Committee on the Bill to provide for the better internal Government of that part of the Province heretofore *Upper Canada*, by the establishment of local or municipal authorities therein, and on the instruction given to the said Committee, being read,

*Ordered* — That the said Order of the day be postponed until tomorrow.

(308)

House goes into Committee of whole on Speaker's Salary Bill.

The Order of the day, for the House in Committee, to take into consideration the propriety of providing for the payment of an annual salary to the Honourable the Speaker of this House, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Boutillier* took the chair of the Committee.<sup>1</sup>

Mr. *Small* said in reference to his remarks on a previous occasion relative to the expression of the government on this subject, he had been given to understand, that the Executive was prepared to acquiesce in whatever resolution might be adopted by the house; he then moved that the sum of ——— pounds be granted for this purpose, such blank to be filled up by a motion. £200 per annum, and £400 per annum, had been respectively given to the Speaker of the House of Assembly in Upper Canada, and as this was now the *United* Legislature, although even £500 might seem a large sum, considering our position relative to the British Empire, and the United States he would propose to fill up the blank with £1000 Currency.<sup>8</sup>

Mr. *Roblin* considering the finances of the country, would first propose the smaller sum. Upon the plea of dignity he supposed, the higher the salary, the more dignity we should get. With a due regard however to the affairs of the country, he would propose to fill up the blank with £500.<sup>9</sup>

Mr. *Johnston* considered, the high qualities and the dignified manner in which the Speaker had discharged the duties which had devolved upon him, fully justified the sum of £1000 being voted.<sup>10</sup>

Mr. *Merritt* said the argument in favour of the Union had been economy; — that there would be only *one* set of officers — whereas there was the Attorney General (East), and the Attorney General (West), with high salaries; — then came the Speaker, he was to have £1000. If the resources of the colony were to be lavished away in this manner, where would the funds come from to carry on the public works? <sup>11</sup>

Sir Allan MacNab eagerly seized upon the opportunity — the Speaker was a gentleman of French Canadian descent — the French Canadians, are to a man, bitterly opposed to the present government, — some even go further and say to \*\*\*\*\* altogether salary!! — why, to show his obsequiousness to the party whom he dreads and courts, the Speaker was, no doubt, perfectly welcome to all the cash in Upper Canada, so that he could only see the present governor, and suite, together with all his supporters, wandering about like the Irishman, with his elbows looking out for situations — £1,000 per annum was, therefore, the lowest figure that Sir Allan MacNab would put down.<sup>12</sup>

Mr. *Thorburn* knew the value of the bird in the hand in preference to the one in the bush; was therefore desirous to think twice before parting with the money. — With respect to compensation for services, he was perfectly willing to concede that, but he considered that those who aspired to higher offices, ought not to flinch from the expenses they might incur. He remembered the late speaker's refusing to accept of a remuneration because it was not provided by the legislature, he (Mr. T.) therefore preferred the introduction of a bill, authorizing a grant for the occasion. By giving too much, he was afraid that all would aspire to exorbitant demands. Considering, however, the extent of business carried

on by Mr. Cuvillier as a merchant, he did not pretend to say that even £1,000 per annum would compensate that gentleman for his abstraction from his personal affairs, however, according to parliamentary practice, he would at first vote for the smaller sum of £500 — if that was rejected, he would propose £750.<sup>13</sup>

**Mr. Baldwin** understood, that in Lower Canada, the speaker had always received £1,000. By his office he was the first commoner in the land, — he thought, therefore, he ought to be paid accordingly.<sup>14</sup>

**Mr. Harrison** defended the government from any dereliction of duty in not having interfered in a matter which was, strictly speaking, the province of the House. The hon. secretary suggested, that there should be an appropriation, including also a grant to the speaker of the Upper House, consistent with that high tone which should prevail in order to give weight and dignity to to (sic) both branches of the legislature.<sup>15</sup>

A resolution was then carried that £1,000 be the amount.<sup>16</sup>

**Mr. Simpson** was desirous of moving the adoption of a similar resolution with respect to the speaker of the Legislative Council, but the present committee ((was)) incompetent to the cognizance of it....<sup>17</sup>

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and after some time spent therein,

Several Resolutions reported.

Report to be received on Thursday next.

House goes into Committee of whole on Law of possession.

Mr. Speaker resumed the chair,

And **Mr. Boutillier** reported that the Committee had come to several Resolutions, which he was directed to submit to the House whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received on *Thursday* next.

The Order of the day, for the House in Committee, to take into consideration the expediency of altering the Law of Possession, so far as relates to erroneous surveys, being read,

The House accordingly resolved itself into the said Committee.

**Mr. Harmanus Smith** took the chair of the Committee,<sup>18</sup>

**Mr. Roblin** was heard ... to introduce a bill thereon. It would appear ... that he was desirous of allowing persons to recover lands of which they had been deprived by erroneous surveys, and which by the present law remain in the possessor's hands, if unclaimed for 20 years.<sup>19</sup>

**Messrs. Baldwin, Cartwright and Johnston** opposed the motion, as being fraught with much confusion and litigation, lands that were held by this claim which the present law allowed, having passed in many instances through various hands involving very complex principles to legislate upon. — <sup>20</sup>

**Mr. Thorburn** drew a ... distinction between claims not having been made by parties who were unconscious of the right, and claims which had been withheld with the view of awaiting improvements, and the erection of buildings, from interested motives.<sup>21</sup>

**Mr. Roblin** replied at some length, showing that many who could by no means afford it, were great sufferers by the unskillful surveys that had been made heretofore. The period of twenty years also operated in this manner, whoever had held lands unclaimed for that time, were legalized by the law, in retaining possession of them, whereas, those who had not, although even 19 years have elapsed were subject to be deprived of them, together with dwelling houses, barns, and whatever else might have been erected thereon.<sup>22</sup>

The motion was then negatived.<sup>23</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair.

Order of day for Committee of whole on timber Measurement Bill postponed 'till Thursday next.

The Order of the day, for the House in Committee, on the Bill to regulate the inspection and measurement of timber, masts, spars, deals, staves, and other articles of a like nature, in the Ports of *Quebec* and *Montreal*, and for other purposes relative to the same, being read,

*Ordered* — That the said Order of the day be postponed until *Thursday* next.

Order of the day for Committee of whole on Petitions of divers Inhabitants of Oakland postponed 'till Friday next.

The Order of the day, for the House in Committee, on the Petitions of divers inhabitants of the Township of *Oakland* — of *Samuel Garnsey*, and others, inhabitants of the Township of *Bayham* — and of *James Covernton*, and others, Magistrates and Inhabitants of the District of *Talbot*, being read,

*Ordered* — That the said Order of the day be postponed until *Friday* next.

Then, on motion of the Honourable Mr. *Viger*, seconded by Mr. *Baldwin*,

The House adjourned.

Footnotes — 9 August 1841.

1. The discussion on this amendment was reported in : **BRITISH COLONIST**, 18 August 1841 ; **MONTREAL GAZETTE**, 12 August 1841.
2. **BRITISH COLONIST**, 18 August 1841.
3. **MONTREAL GAZETTE**, 12 August 1841.
4. **BRITISH COLONIST**, 18 August 1841.
5. **IBID.**
6. **IBID.**
7. The debate was reported by : **BRITISH COLONIST**, 18 August 1841 ; **MONTREAL GAZETTE**, 12 August 1841, which provided a commentary.
8. **BRITISH COLONIST**, 18 August 1841.
9. **IBID.**
10. **IBID.**
11. **IBID.**
12. **IBID.**
13. **IBID.**
14. **IBID.**
15. **IBID.**
16. **IBID.**
17. **IBID.**
18. The debate occurring was reported by : **BRITISH COLONIST**, 18 August 1841 ; **MONTREAL GAZETTE**, 12 August 1841 contains a commentary.
19. **BRITISH COLONIST**, 18 August 1841. During Roblin's speech, reports the **BRITISH COLONIST**, "There was so much noise that Mr. Roblin was heard with much difficulty in support of a motion by him...."
20. **BRITISH COLONIST**, 18 August 1841.
21. **IBID.**
22. **IBID.**
23. **IBID.**



## Tuesday, 10 August 1841.

*Petitions brought up.*

Ladies Roman  
Catholic Orphan  
Asylum of Montreal.

Rev. Walter Roach  
and others.

Chas. De Léry, Senr.

Dame Emilie Gamelin  
and others.

Ditto. (2)

Revd. A. Balfour  
and others.

Daniel Clarke and  
others.

Alex. McMartin  
and others.

John Smyth, of  
Toronto.

Joseph Milburne, of  
York Township.

Reverend Hugh  
Paisley, and others.

De Gaspé's relief  
Bill read third time  
and passed.

Bill sent to Legislative  
Council.

Scriptures duty  
exemption Bill read  
third time and passed.

Title.

Bill sent to Legislative  
Council.

Surveyors' protection  
Bill read 3rd time  
and passed.

Title.

Bill sent to  
Legislative Council.

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The following Petitions were severally brought up and laid on the table : —

By Mr. *Quesnel* — The Petition of the Ladies of the *Roman Catholic Orphan Asylum of Montreal*.

By Mr. *Dunscomb* — The Petition of the Reverend *Walter Roach*, and Elders of the *Scotch Church*, at *Beauharnois*.

By the Honourable Mr. *Viger* — The Petition of *Charles De Lery*, Senior, of *Quebec*, late senior Clerk assistant of the Legislative Council of *Lower Canada* — the Petition of *Dame Emilie Gamelin*, and others, of *Montreal*, relative to an Act of Incorporation — and the Petition of *Dame Emilie Gamelin*, and others, of *Montreal*, relative to an aid of £90.

By Mr. *Foster* — The Petition of the Reverend *A. Balfour*, and others.

By Mr. *J. S. Macdonald* — The Petition of *Daniel Clarke*, and others, inhabitants of the Counties of *Glengarry* and *Stormont* — and

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the Petition of *Alexander McMartin*, and others, inhabitants of the County of *Glengarry*, *Eastern District*.

By Mr. *Thorburn* — The Petition of *John Smyth*, of the City of *Toronto*, Surveyor.

By Mr. *Prince* — The Petition of *Joseph Milburn*, of the Township of *York, Home District*.

By Mr. *Aylwin* — The Petition of the Reverend *Hugh Paisley*, and others, of the Parish of *St. Catharine de Fossambault*.

An engrossed Bill for the relief of *Philippe Aubert De Gaspé*, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Christie* do carry the said Bill to the Legislative Council, and desire their concurrence.

An engrossed Bill to exempt from duty all copies of the Holy Scriptures imported into this Province, by navigation from sea, was read for the third time.

*Resolved* — That the Bill do pass — and that the title be "*An Act to exempt from duty all copies of the Holy Scriptures, imported into this Province by sea.*"

*Ordered* — That Mr. *Holmes* do carry the said Bill to the Legislative Council, and desire their concurrence.

An engrossed Bill to grant authority to licensed Surveyors to administer an oath, in certain cases, and to protect them while in the discharge of their duty in surveying lands, was read for the third time.

*Resolved* — That the Bill do pass — and that the title be "*An Act to grant authority to Licensed Surveyors, in that part of this Province called Upper Canada, to administer an Oath in certain cases, and to protect them while in the discharge of their duty in surveying lands.*"

*Ordered* — That Mr. *Roblin* do carry the said Bill to the Legislative Council, and desire their concurrence.

Bill relating to  
Taverns and Tavern  
keepers read third  
time.

Motion for passing  
bill.

Contra.

An engrossed Bill to repeal the 2d Section of an Ordinance of the Special Council, 4th VICTORIA, Chapter 42, relating to Taverns and Tavern Keepers, was read for the third time.

Mr. *Delisle* moved, seconded by Mr. *Black*,

That the Bill do pass, and that the title be "*An Act to repeal the second Section of an Ordinance of the Legislature of Lower Canada, relating to Taverns and Tavern Keepers.*"

Mr. *Cameron* moved, seconded by Mr. *Roblin*,

That the said Bill do not now pass, but that it be read this day three months.<sup>1</sup>

Mr. *Bouthillier* rose to defend his *protégé*, the bill, upon several pleas — of which as a matter of course, justice to Lower Canada was one, a love of sobriety another, and a desire to give every petty grocer the privilege of aiding the tavern keeper, in cultivating this habit, by converting his counter into a bar, the third.<sup>2</sup>

Mr. *Roblin* expressed his determination to support the amendment denouncing these grocery grogeries, as the most active agents in operation in the colony for demoralizing and prostrating the poorer classes. He belonged to the Temperance Society himself, observed the hon. member, but he was not for that reason, desirous of coercing others to follow his *example* — but would leave the benefits of abstinence from spirituous liquors to time, and its own merits. With respect, however to these foetid grogeries where the drunkard, like the dog, returned to his vomit; he would use every exertion in his power to put them down, knowing, that so far from their being temples of enjoyment they were dens of horror, and the rendez-vous of the dissolute and depraved, the idler and the ruffian.<sup>3</sup>

Mr. *Delisle* pointed out the injustice of making grocers pay for a licence, which was a nullity when compared with the terms of the Ordinance.<sup>4</sup>

Mr. *Neilson* confessed the demoralization of them, and then... decided to vote in favour of them.<sup>5</sup>

Mr. *Moffatt* drew the attention of the house to this anomalous way of proceeding (sic) of denouncing an evil — and then in the same breath avowing an intention to encourage it.<sup>6</sup>

Mr. *Roblin* would support the amendment... as tending in some measure to avoid the general demoralization of the people.<sup>7</sup>

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Division on motion  
against passing Bill.

The question having been put on the said motion, a division ensued, and the names being called for, they were taken down, as followeth: —

#### YEAS.

<i>Boswell,</i>	<i>Foster,</i>	<i>Moffatt, Hon. G. Roblin,</i>
<i>Cameron,</i>	<i>Gilchrist,</i>	<i>Morris, Thompson,</i>
<i>Campbell,</i>	<i>Holmes,</i>	<i>Parke, Thorburn,</i>
<i>Cartwright,</i>	<i>Hopkins,</i>	<i>Powell, Watts,</i>
<i>Child,</i>	<i>McDonald, (Pres.)</i>	<i>Price, Williams. — 23.</i>
<i>Cook,</i>	<i>McDonald, (Glen.)</i>	<i>Robertson,</i>

#### NOES.

<i>Armstrong,</i>	<i>Baldwin,</i>	<i>Berthelot,</i>	<i>Boutillier,</i>
<i>Aylwin,</i>	<i>Barthe,</i>	<i>Black,</i>	<i>Buchanan,</i>

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<i>Burnet,</i>	<i>De Salaberry,</i>	<i>Moore,</i>	<i>Small,</i>
<i>Chesley,</i>	<i>Draper, Hon. W.H.</i>	<i>Morin,</i>	<i>Smith, (Fron.)</i>
<i>Christie,</i>	<i>Durand,</i>	<i>Neilson,</i>	<i>Steele,</i>
<i>Crane,</i>	<i>Harrison, Hon. S.B.</i>	<i>Parent,</i>	<i>Taché,</i>
<i>Daly, Hon. D.</i>	<i>Johnston,</i>	<i>Quesnel,</i>	<i>Viger, Hon. D.B.</i>
<i>Day, Hon. C. D.</i>	<i>MacNab, Sir A.N.</i>	<i>Raymond,</i>	<i>Woods,</i>
<i>Delisle,</i>	<i>McLean,</i>	<i>Simpson,</i>	<i>Yule. — 37.</i>
<i>Derbshire,</i>			

Motion lost.

So it passed in the negative.

Main question carried.

The question being then put upon the main motion, it was agreed to by the House, and —

*Resolved*, accordingly.

Bill sent to Legislative Council.

*Ordered* — That Mr. *Delisle* do carry the said Bill to the Legislative Council, and desire their concurrence.

Engrossed Bill relating to winter roads read third time.

An engrossed Bill to amend two certain Ordinances therein mentioned, relative to winter roads in that part of the Province formerly *Lower Canada*, was read for the third time.

Mr. *Armstrong* moved, seconded by Mr. *Neilson*,

Motion for passing bill.

That the Bill do pass, and that the title be "*An Act to amend two certain Ordinances therein mentioned, relative to Winter Roads in that part of the Province formerly called Lower Canada.*"

Amendment to motion for passing Bill.

Mr. *Watts* moved in amendment, seconded by the Honourable Mr. *Moffatt*,

Ryder proposed.

That the following engrossed Proviso be added to the said Bill by way of Ryder, and do make part thereof : —

"Provided always, and be it enacted, that the provisions contained in the first Section of this Act shall not extend to any part of this Province except the District of *Quebec*, any thing in the said Section to the contrary hereof in any wise notwithstanding."

House divides on Ryder.

The question having been put on the said motion, a division ensued, and the names being called for, they were taken down, as followeth : —

#### YEAS.

<i>Cartwright,</i>	<i>McDonald, (Glen.)</i>	<i>Moffatt, Hon. G.</i>	<i>Watts,</i>
<i>Chesley,</i>	<i>McLean,</i>	<i>Robertson,</i>	<i>Yule. — 9.</i>
<i>Foster,</i>			

#### NOES.

<i>Armstrong,</i>	<i>Child,</i>	<i>Hopkins,</i>	<i>Quesnel,</i>
<i>Aylwin,</i>	<i>Christie,</i>	<i>MacNab, Sir A.N.</i>	<i>Raymond,</i>
<i>Baldwin,</i>	<i>Cook,</i>	<i>McDonald, (Pres.)</i>	<i>Roblin,</i>
<i>Bartie,</i>	<i>Daly, Hon. D.</i>	<i>Merritt,</i>	<i>Small,</i>
<i>Berthelot,</i>	<i>Day, Hon. C.D.</i>	<i>Moore,</i>	<i>Smith, (Fron.)</i>
<i>Black,</i>	<i>Delisle,</i>	<i>Morin,</i>	<i>Steele,</i>
<i>Borne,</i>	<i>De Salaberry,</i>	<i>Morris,</i>	<i>Strachan,</i>
<i>Boswell,</i>	<i>Draper, Hon. W.H.</i>	<i>Neilson,</i>	<i>Taché,</i>
<i>Boutillier,</i>	<i>Dunn, Hon. J.H.</i>	<i>Parent,</i>	<i>Taschereau,</i>
<i>Buchanan,</i>	<i>Duggan,</i>	<i>Parke,</i>	<i>Thorburn,</i>
<i>Burnet,</i>	<i>Durand,</i>	<i>Powell,</i>	<i>Viger, Hon. D.B.</i>
<i>Cameron,</i>	<i>Harrison, Hon. S.B.</i>	<i>Price,</i>	<i>Woods. — 48.</i>

Bill passed.

So it passed in the negative.

The question being then put upon the main motion, it was agreed to by the House, and —

*Resolved*, accordingly.

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Bill sent to Legislative Council.

*Ordered* — That Mr. *Armstrong* do carry the said Bill to the Legislative Council and desire their concurrence.

Petition of the Reverend Wm. Anderson and others, referred to Committee of whole on Common School Bill.

*Ordered* — That the Petition of the Reverend *William Anderson*, and others, of *William Henry*, presented to the House on the 27th of July last, be referred to a Committee of the whole House on the Bill to repeal certain Acts therein mentioned, and to make provision for the establishment and maintenance of Common Schools throughout this Province.

Petition of inhabitants of Charleston, Hatley &c., referred to same Committee.

*Ordered* — That the Petition of the inhabitants of *Charleston, Hatley*, and its neighbourhood, in the County of *Stanstead*, presented to the House on the 28th of June last, be referred to the said Committee.



Petition of James George, moderator of Presbyterian Church in Canada referred to same Committee.

Petition of Reverend Edward Black and others, referred to same Committee.

Petition of Nicholas Gifford, and others, referred to same Committee.

Petition of W. Cox Ezra Annis and others, referred to same Committee.

Petition of Ministers and Members of Church of England at Rivière du Loup, referred to said Committee.

Ditto of ditto in St. Armand West, referred to same Committee.

Petition of Reverend William Abbott, and others, of Saint Andrews, referred to same com.

And Petition of Reverend Andrew Balfour and others, of Shefford, referred to same Committee.

Petition of J. W. Woolsey, Esq. and others, referred to Committee of whole on address for free pardon for political offences.

Petition of Joseph Milburn referred to Committee on petition of Peter Leppard.

Petition of Commissioners Midland District turnpike trust, referred to Select Committee.

Petition of A. D. Fordyce, and others, referred to a Select Committee.

*Ordered* — That the Petition of *James George*, Moderator of the Synod of the *Presbyterian Church of Canada*, in behalf of the said Church, presented to the House on the 28th of *July* last, be referred to the said Committee.

*Ordered* — That the Petition of the Reverend *Edward Black*, and others, of the City of *Montreal*, presented to the House on the 19th of *July* last, be referred to the said Committee.

*Ordered* — That the Petition of *Nicholas Gifford*, and others, of the *Ottawa District*, presented to the House on the 27th of *July* last, be referred to the said Committee.

*Ordered* — That the Petition of *William Cox*, *Ezra Annis*, and others, of the Township of *Whitby*, presented to the House on the 2d instant, be referred to the said Committee.

*Ordered* — That the Petition of the Ministers and Members of the Church of *England*, at *Rivière du Loup*, presented to the House on the 12th of *July* last, be referred to the said Committee.

*Ordered* — That the Petition of the Clergyman and Members of the Church of *England*, resident in *St. Armand, West*, presented to the House on the 24th of *June* last, be referred to the said Committee.

*Ordered* — That the Petition of the Reverend *William Abbott*, Rector of *St. Andrews, Ottawa River*, and of the members of his congregation, presented to the House on the 9th instant, be referred to the said Committee.

*Ordered* — That the Petition of the Reverend *Andrew Balfour*, and others, residents of the Township of *Shefford*, presented to the House on the 6th of *July* last, be referred to the said Committee.

*Ordered* — That the Petition of *J. W. Woolsey*, Esquire, and others, of *Quebec*, presented to the House on the 23d of *July* last, be referred to the Committee of the whole House to consider the expediency of addressing His Excellency, the Governor General, to grant a free pardon for all offences committed during the late political disturbances in *Upper and Lower Canada*.

*Ordered* — That the Petition of *Joseph Milburn*, of the Township of *York, Home District*, be referred to the Special Committee to which was referred the Petition of *Peter Leppard*, of *East Gwillimbury, Home District*, and other references.

On motion of Mr. *Cartwright*, seconded by Mr. *Strachan*,

*Resolved* — That the Petition of the Commissioners of the *Midland District Turnpike Trust*, presented to the House on the 4th instant, be

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referred to a select Committee, composed of the Honourable Mr. *Harrison*, Mr. *Henry Smith*, the Honourable Mr. *Killaly*, and Mr. *Roblin*, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

*Ordered* — That the Petition of *A. Dingwall Fordyce*, and others, Magistrates and Freeholders, in the District of *Wellington*, presented to the House on the 5th of *July* last, be referred to the select Committee to which was referred the Petition of *A. Dingwall Fordyce*, and others, Magistrates and Freeholders, of the District of *Wellington*, praying to confirm the settlement of the debt between the *Gore and Wellington, Districts*.

Petition of John Bonner and William Petry of Quebec, referred to Committee.

*Resolved*—That the Petition of *John Bonner* and *William Petry*, of *Quebec*, presented to the House on the 20th of *July* last, be referred to a Committee of five Members, to examine the contents thereof and report thereon, with all convenient speed; with power to send for persons, papers, and records.

Committee formed.

*Ordered*—That *Mr. Neilson*, *Mr. Aylwin*, *Mr. Burnet*, *Mr. Attorney General Ogden*, and the Honourable *Mr. Daly*, do compose the said Committee.

Petition of Justices of peace Home District referred to select Committee.

On motion of *Mr. Buchanan*, seconded by *Mr. Thorburn*,  
*Resolved*—That the Petition of the Justices of the Peace of the *Home District*, presented to the House on the 6th instant, be referred to a select Committee composed of *Mr. Price*, *Mr. Small*, *Mr. Duggan*, and *Mr. Baldwin*, to examine the contents thereof and report thereon, with all convenient speed; with power to send for persons, papers, and records.

Petition of James B. Ewart, and others, referred to select Committee.

On motion of *Mr. Durand*, seconded by *Mr. Baldwin*,  
*Resolved*—That the Petition of *James B. Ewart*, and others, of the Townships of *West Flamborough*, *Beverly*, and other places, presented to the House on the 13th of *July* last, be referred to a select Committee, composed of *Mr. Hopkins*, *Mr. Harmanus Smith*, *Mr. Merritt*, and *Mr. Thorburn*, to examine the contents thereof, and report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Criminal justice bill reported amended.

*Mr. Black*, from the special Committee to which was referred the Bill for improving the administration of Criminal Justice in this Province, reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table.

Bill to be referred to a Committee of whole on Monday next.

*Ordered*—That the said Bill and report be referred to a Committee of the whole House on *Monday* next.

Offence against the person bill reported amended.

*Mr. Black*, from the special Committee to which was referred the Bill for consolidating and amending the Laws in this Province relative to offences against the person, reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table.

Bill and report referred to Committee of whole on criminal justice bill.

*Ordered*—That the said Bill and report be referred to the Committee of the whole House on the Bill for improving the administration of Criminal Justice in this Province.

Committee on petitions of John De Cew and others D. Hoover and others and W. Nelles and others, present report.

*Mr. Thompson*, from the select Committee to which were referred the Petitions of *Warner Nelles*, and others, Inhabitants of the County of *Haldimand*; of *John De Cew*, and others, Inhabitants of the County of *Haldimand*; and of *Daniel Hoover*, and others, of the Township of *Walpole*, County of *Haldimand*, with power to report by Bill or otherwise, presented to the House the report of the said Committee, which was again read at the Clerk's table, as followeth:—

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Report.

"Your Committee have carefully examined the prayer of the Petitioners, and are decidedly of opinion that the county of *Haldimand*, which at present forms part of the District of *Niagara*, should be separated therefrom, and erected into an independent District, with *Cayuga* for the District Town.

The great distance which the petitioners and others are obliged to travel, to attend the Courts at the Town of *Niagara*, is a very great inconvenience, from which Your Committee conceive, they ought to be relieved. The natural resources of the said County are very great, and though its population at the present time is not large, yet it possesses advantages amply sufficient, in the opinion of Your Committee, to entitle it to be set apart as a separate District.

Your Committee have therefore prepared a Bill for that purpose — a draft of which they beg to report for the consideration of Your Honourable House ; and should this measure be adopted, Your Committee respectfully recommend that the District thereby constituted may be permitted to share in the advantages to be bestowed by the Bills now before Your Honourable House, to establish municipal authorities in the several Districts, and to regulate the future recovery of small debts, (if those Bills become law) immediately upon their going into operation."

Haldimand District Bill brought in and read first time.

Second reading Monday 23rd instant.

Special Committee on petitions of Joseph Masson and others, W. B. Jarvis, and others, Mayor, Aldermen and Commonalty of Toronto, and other references, report Toronto Gas light and water Company bill which was read first time, Second reading Wednesday 18 Instant.

Select Committee on transit of Products, within the Province and on message of His Excellency the Governor General on introduction of the same into the ports of Great Britain, free of duty, present report.

Report.

Report to be referred to Committee of whole on Friday next.

Order of day for House in Committee on claim of Christopher Leggo, revived for Friday next.

Bill for the establishment of savings Banks brought in and read first time.

Mr. Thompson then presented to the House a Bill to erect the County of *Haldimand* into a separate District, by the name of the District of *Manchester*, which was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Monday* the 23d instant.

Mr. Holmes, from the Special Committee to which were referred the Petition of *Joseph Masson*, and others, of *Toronto* ; the Petition of *W. B. Jarvis*, and others, of the City of *Toronto* ; and the Petition of the Mayor, Aldermen and Commonalty of the City of *Toronto*, and other references, with power to report by Bill or otherwise, presented to the House a Bill to incorporate a Company under the style and title of the "*City of Toronto Gas Light and Water Company*," which was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Wednesday* the 18th instant.

Mr. Merritt, from the select Committee appointed to examine into the prices paid, and the methods adopted for the transit of products on the different communications within this Province, and to whom was referred the Message of His Excellency, the Governor General, in answer to the Address of the House of the 14th of *July* last, on the subject of an Address of the House of Assembly of *Upper Canada*, relating to the introduction of products of the Province into the Ports of *Great Britain* free of any duty — with an instruction to take into consideration all matters relating to the agriculture and commerce of this Province, with power to report from time to time — presented to the House the first Report of the said Committee, which was again read at the Clerk's table, as followeth :

"Your Committee fully concur in the opinions expressed in the several Addresses from the Assembly of the late Province of *Upper Canada*, praying for the admission of the products of *Canada* into the Ports of *Great Britain* free from duty — a measure which would not only place Her Majesty's subjects in this Province on equal terms with other portions of Her Empire, but establish a fixed and certain policy — promote the mutual prosperity of both, and ensure their connexion for all time to come."

*Ordered* — That the said report be referred to a Committee of the whole House on *Friday* next.

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On motion of Mr. Morris, seconded by Mr. Crane,

*Ordered* — That the Order of the day for the House in Committee on the Report of the Special Committee to which was referred the return to an Address of this House of the 6th of *July* last, relative to the claim of *Christopher Leggo*, of *Brockville*, lost by the adjournment of *Friday* last, be revived, and that this House will, on *Friday* next, resolve itself into the said Committee.

*Ordered* — That Mr. Holmes have leave to bring in a Bill to encourage the establishment of, and to regulate, Savings Banks in this Country.



He accordingly presented the said Bill to the House, and the same was received and read for the first time.

*Ordered*—That the said Bill be read a second time on *Wednesday* the 18th instant.

Second reading Wednesday 18th Instant.

Order of the day for second reading Sydenham Mountain Road company bill revived, for to-morrow.

On motion of Mr. *Durand*, seconded by Mr. *Hopkins*,

*Ordered*—That the Order of the day of the 6th of *July* last, for the second reading of the Bill to establish a Company by the name of the "*Sydenham Mountain Road Company*," be revived, and the said Bill be read a second time to-morrow.

Order of day for Committee of whole on second report of Special Committee on Clerk's officers, revived and made first Order for to-morrow.

On motion of Sir *Allan McNab*, seconded by Mr. *Cartwright*,

*Ordered*—That the Order of the day for the House in Committee on the second Report of the Special Committee appointed to enquire what assistance it will be necessary to afford to the Clerk, and what offices and departments it will be expedient to establish, for the effective and orderly conduct of the business of this House, lost by the adjournment of the House of *Monday*, the 2d instant, be revived; and that this House will, to-morrow, resolve itself into the said Committee, and that it be then the first Order of the day.

Address to His Excellency the Governor General for copy of instructions.

On motion of Sir *Allan McNab*, seconded by Mr. *Cartwright*,

*Resolved*—That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a copy of the instructions he received from Her Majesty's Government, upon His assuming the Government of Her Majesty's Dominions in *British North America*.

*Ordered*—That the said address be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council, of this Province.

Address to His Excellency the Governor General, for instructions to Sir *George Arthur*.

On Motion of Sir *Allan MacNab*, seconded by Mr. *Cartwright*,

*Resolved*—That an humble address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a copy of the instructions received by Sir *George Arthur*, upon his assuming the Government of *Upper Canada*.

*Ordered*—That the said address be presented to His Excellency by such Members of this House as are of the Honourable the Executive Council of this Province.

House to go into com. of whole on Monday next on Ordinance relating to Rail Road from Montreal to Coteau-du-Lac.

On motion of Mr. *Holmes*, seconded by Mr. Solicitor General *Day*,

*Resolved*—That this House will, on *Monday* next, resolve itself into a Committee of the whole House, to take into consideration the expediency of amending the Ordinance of the Special Council of the 14th VICTORIA, chapter 41, authorising the formation of a Rail Road from *Montreal* to *Coteau-du-Lac*.

Address to His Excellency the Governor General for statement of expenses of Board of Health at Bytown.

On motion of Mr. *Johnston*, seconded by Mr. *Donald McDonald*,

*Resolved*—That an humble address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to

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cause to be laid before this House a statement of the moneys expended by the Board of Health in *Bytown*, in the years 1832 and 1834.

*Ordered*—That the said Address be presented to His Excellency by such Members of this House as are of the Honourable the Executive Council of this Province.

Address to be sent to His Excellency, the Governor General, for copy of report from St. Lawrence Commissioners.

On motion of Mr. *Chesley*, seconded by Mr. *McLean*,

*Resolved*—That an humble address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, copies of any report or correspondence had from the Commissioners appointed for improving the navigation of the River *Saint Lawrence*, relative to that work, since the month of *January*, 1839,

*Ordered* — That the said address be presented to His Excellency by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of Mr. *Dunscomb*, seconded by Mr. *Holmes*,

House will go into Com. of whole to-morrow, on repealing Bill for preventing accidents by fire.

*Resolved* — That this House will, to-morrow, resolve itself into a Committee of the whole House, to consider the expediency of repealing an Act passed by the Parliament of *Upper Canada*, in the 7th year of the Reign of GEORGE the fourth, entitled "*An Act to make further and more effectual provision for the prevention of accidents by fire in the several Police Towns of this Province*," with a view to extend the provisions of the same throughout the Province.

Committee on expiring laws appointed.

On motion of Mr. Solicitor General *Day*, seconded by the Honourable Mr. *Harrison*.

*Resolved* — That a select Committee, composed of Mr. Attorney General *Draper*, Mr. *Black*, Mr. *Quesnel*, Mr. *Neilson*, Mr. *Boswell*, and Mr. *Thorburn*, be appointed to inquire what Statutes and Ordinances now in force in this Province, or in any part thereof, are about to expire, and ought to be continued, and to report thereon from time to time.

On motion of Mr. Solicitor General *Day*, seconded by the Honourable Mr. *Harrison*,

House will go into Com. of whole on control of Light Houses on Thursday next.

*Resolved* — That this House will, on *Thursday* next, resolve itself into a Committee of the whole House to take into consideration the expediency of vesting the control and management of certain Light Houses, and other Public Works in this Province, in the Board of Works, and of amending or repealing certain Acts relating thereto.

Gaspé fisheries Bill, reported amended, and ordered to be engrossed.

Mr. *Durand*, from the Committee of the whole House, on the Bill to regulate the Fisheries in the District of *Gaspé*, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

*Ordered* — That the said Bill, as amended, be engrossed.

The Order of the day for the House in Committee on the Bill to repeal certain Acts, therein mentioned, and to make provision for the establishment and maintenance of Common Schools throughout this Province, and on the several Petitions referred to the said Committee, being read,

On motion of Mr. Solicitor General *Day*, seconded by the Honourable Mr. *Harrison*,

Order of day for House in Com. on Common School Bill discharged, and bill referred to a Select Committee.

*Ordered* — That the said Order of the day be discharged and that the said Bill and Petitions be referred to a select Committee, composed of Mr. *Neilson*, Mr. *Simpson*, Mr. *Cartwright*, the Honourable Mr. *Moffatt*, Mr. *Cameron*, Mr. *Quesnel*, Mr. *Dunscomb*, Mr. *Merritt*, Mr. *Aylwin*, Mr. *Christie*, Mr. *Morin*, Mr. *Parke*, Mr. *Child*, Mr. *Thorburn*,

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Mr. *Hincks*, Mr. *Prince*, Mr. *Parent*, Mr. *Robertson*, Mr. *Holmes*, Mr. *Foster*, and Mr. *Berthelot*, to report thereon with all convenient speed with power to send for persons, papers, and records.

The House goes into Committee on Municipal Corporation Bill.

The Order of the day for the House in Committee on the Bill to provide for the internal Government of that part of this Province heretofore *Upper Canada*, by the establishment of local or Municipal authorities therein, and on the instruction to the said Committee, being read,

The House according resolved itself into the said Committee.

Mr. *Hopkins*, took the Chair of the Committee.<sup>8</sup>

**Mr. Harrison** had no desire to press this ((26th)) clause. As the special ordinance was going hand in hand through committee at the same time with the bill, with the view of assimilating the latter, as much as possible to the former, he would move an amendment, in accordance with the ordinance, that three fit persons be selected by the Council, a Clerk to be chosen by the Warden out of the three.<sup>9</sup>

**Mr. Baldwin** came forward with a counter amendment to vest the appointment in the Council — the ordinance clause if adopted, providing that in case the Warden did *not* approve of any one of the three, he might appoint some other person of whom he *did* approve. —<sup>10</sup>

**Mr. Viger** ((embellished)) his mild observations by some allusions to the *Code Napoleon*.<sup>11</sup>

**Capt. Steele** rose to reply to them, but was clamoured down....<sup>12</sup>

**Mr. Parke** defended the amendment of the hon. secretary, alleging the probability of faction raging in a similar degree to that which now prevailed in the house, and making it essentially necessary to insure a proper selection that a choice should be made out of 3 persons. According to the present system of responsibility, he contended that the wholesome influence on the part of the government would be exerted for the *benefit* of the *people*; that the municipal Councils would give a tone to future elections of members of Parliament; and that it was preposterous to insinuate that the government would at any time persist in retaining a clerk in office whose conduct was obnoxious to the district.<sup>13</sup>

**Mr. Price** was anxious to keep up a balance of power between the executive and the people; by its assuming, however, these various appointments, he was apprehensive, that a preponderating influence would prevail.<sup>14</sup>

**Capt. Steele** called it splitting straws. The member for Carlton opposed the amendment of Mr. Harrison, as he has done the bill throughout.<sup>15</sup>

**Mr. Baldwin's** amendment was lost by 36 to 31, and Mr. Harrison's carried.<sup>16</sup>

Clause 27 ((was discussed next)).<sup>17</sup>

**Mr. Harrison** would merely remark, that the same objections hitherto offered, would be merely a repetition of the principle of them. Under the old system, the treasurer was appointed by the Magistrates, they, by the Crown; the influence was therefore an indirect one, without responsibility. The present clause was, therefore a decided improvement, in the municipal order of things.<sup>18</sup>

Clause 32. — The appointment of two auditors — one by the council, the other by the warden.<sup>19</sup>

**Mr. Baldwin's** amendment was to give the council the appointment of both.<sup>20</sup>

**Mr. Harrison** remarked that although there was nothing of *great importance* in the council appointing the auditors, &c. as it was a part of the systematic opposition (sic) that the bill had met with (many even avowing their opposition to be at variance with their opinions,) that he would oppose the amendment.<sup>21</sup>

**Mr. Neilson** was very indignant at this simple observation ... the hon. member said something about his hereafter doubting himself a British subject.<sup>22</sup>

**Sir Allan MacNab** ... made some personal allusions to Mr. Hopkins having given his casting vote to save the bill a few evenings past, from falling a sacrifice to party rage. — He said, sneeringly, "the country would thank him for it."<sup>23</sup>

**Mr. Parke** ... observed, that if the party had prevailed in the amendments that had been put forth, those very men who exclaimed so loudly at the democratic tendency of the bill, would most *consistently* have carried out the principles of *Conservatism*, by taking away the power of the *Crown*, *in toto*, in the districts. (Hear, hear.)<sup>24</sup>

The amendment was negatived.<sup>25</sup>



The first paragraph, embodying the provisions of the bye-laws, was objected to by **Mr. Baldwin**, who said, that it would give a power to make a road through "Dundurn Castle," or any body's farm.<sup>26</sup>

**Capt. Steele, Messrs. Boswell and Cook** maintained, if this power was not vested in the council, the means of getting round swamps and removing obstacles would not exist.<sup>27</sup>

The 14th paragraph empowering the councils to provide for the disabled and infirm poor was struck out, the plea urged being, that it was a virtual introduction of the poor law.<sup>28</sup>

((There was)) a great deal of discussion on the 38th clause....<sup>29</sup>

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and after some time spent therein,

Mr. Speaker resumed the Chair,

Progress.

And Mr. *Hopkins*, reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Sit again Thursday.

*Ordered* — That the said Committee have leave to sit again, on *Thursday* next.

And the House having continued to sit till after twelve of the clock, on *Wednesday* morning.

Order of day for House in Com. of whole on Heir and Devisee laws postponed 'till to-morrow.

The Order of the day of yesterday for the House in Committee on the Bill to amend and consolidate the Several Acts of the Legislature of *Upper Canada*, passed for the relief of persons claiming lands under the nominees of the Crown, in cases where no Patent hath issued for such lands, being read,

*Ordered* — That the said Order of the day be postponed until to-morrow.

Trinity House Quebec Bill, read second time and ordered to be referred to a select committee.

A Bill to repeal and amend in part, certain Acts, and a certain Ordinance, therein mentioned, and to extend the powers and to increase the Funds of the Corporation of the Trinity House of *Quebec*, was, according to order, read a second time.

On motion of the Honourable Mr. *Daly*, seconded by the Honourable Mr. *Harrison*,

*Resolved* — That the said Bill be referred to a select Committee, composed of Mr. *Black*, the Honourable Mr. *Moffatt*, the Honourable Mr. *Viger*, Mr. *Burnet*, Mr. *Holmes*, and Mr. *Neilson*, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Order of the day for second reading District Court Bill postponed to Thursday next.

The Order of the day of yesterday for the second reading of the Bill to alter and amend the Laws now in force in that part of this Province, formerly called *Upper Canada*, regulating the District Courts, being read,

*Ordered* — That the said Order of the day be postponed until *Thursday* next.

Order of the day for second reading Welland Canal Stock Bill, postponed 'till Thursday next.

The Order of the day of yesterday for the second reading of the Bill to authorize the stock held by private parties in the *Welland* Canal to be purchased on behalf of the Province, being read,

*Ordered* — That the said Order of the day be postponed until *Thursday* next.

Order of day for House in com. on census Bill postponed 'till Thursday next.

The Order of the day of yesterday for the House in Committee on the Bill to repeal certain parts of an Act therein mentioned, and to provide for taking a periodical census of the inhabitants of this Province, and for obtaining the other statistical information therein mentioned, being read.

*Ordered* — That the said Order of the day be postponed until *Thursday* next.

Order of the day for House in com. on public lands bill postponed 'till Thursday next.

Order of day for the House in Committee on Court of Chancery Bill postponed 'till Thursday next.

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The Order of the day of yesterday for the House in Committee on the Bill for the disposal of Public Lands, being read,

*Ordered*—That the said order of the day be postponed until *Thursday* next.

The Order of the day of yesterday for the House in Committee on the engrossed Bill from the Legislative Council intituled "*An Act to explain and amend an Act passed in the Provincial Parliament of Upper Canada in the seventh year of the Reign of King WILLIAM the Fourth, intituled, 'An Act to establish a Court of Chancery in this Province' and to render more effectual the said Court*" being read.

*Ordered*—That the said Order of the day be postponed until *Thursday* next.

And then the House having continued to sit until ten minutes after 12 of the clock on *Wednesday* morning, adjourned till this day.

#### Appendix. 10 August 1841.

((Withdrawn Motion Re : Question about Seat of Government.))<sup>30</sup>

**Mr. Small** moved that an address be presented to His Excellency, with the view of eliciting whether His Excellency had received any instructions from the Home Government, relative to the Seat of Government in the Province; and whether His Excellency had recommended any particular locality himself or not — whether Kingston was to be the Seat of Government or not; if on the contrary, where the seat of government was to be.<sup>41</sup>

**Mr. Thorburn** considered this an infringement on the prerogative of the crown, with whom it rested alone to determine upon the subject, — without being exposed in the most distant manner to be summoned by another power to account for the exercise of such prerogative.<sup>32</sup>

**Mr. Price** said the subject was a most important one, many of his constituents being most anxious to know the decision of the government, that they might have some idea whether their enterprizes in prosecuting various improvements, in certain localities were to be successful or a failure.<sup>33</sup>

**Mr. Small** expressed his surprise at Mr. Thorburn's remarks, and hinted at his late abandonment of reform principles.<sup>34</sup>

**Mr. Harrison** said the question was one purely of prerogative. That this is the seat of government remarked the hon. Secretary, must be evident to every one. Here the Parliament is sitting, and no one can allege that public business has sustained any inconvenience. As to which *was* to be the seat of government, which the most eligible *place* for it, some might say *Toronto*, others might point out other places, but in his opinion, merely a matter of opinion, he thought Kingston was the best place. The house might certainly, adopt the proposition of the hon. member for the 3rd Riding of York, and address His Excellency, but he (Mr. Harrison) expressed his opinion candidly that His Excellency having exercised that discretion which was granted to him by the Union Act in this particular, he did not think any satisfactory result could arise from his hon. friend's motion.<sup>35</sup>

**Sir A. MacNab** thought the Province was entitled to know what was the fixed intention of the government on this point. Some said *Toronto*, some *Quebec*, others *Bytown*, *Dundas*, *Hamilton* and *Waterloo*, these were all named as head quarters in prospective.<sup>36</sup>

A number of speeches or remarks fell from **Messrs. Small, Duggan, Viger, and Baldwin**.<sup>37</sup>

**Mr. Buchanan** remarked that an answer had been given, and he hoped the Hon. Member would withdraw his motion. A better way would be to address His Excellency, suggesting

such a position for the seat of Government as would prove most fitting under all circumstances.<sup>38</sup>

**Capt. Steele** said, if Sir Allan's remarks to compel the Government to give information, breathed the language of a Conservative, he, as a Reformer, would repudiate the doctrine.<sup>39</sup>

**Mr. Small** withdrew his motion, substituting that the house in committee of the whole, on a day appointed, take the subject into consideration, with the view of framing an address.<sup>40</sup>

Footnotes — 10 August 1841.

1. The discussion following this motion was reported by: **BRITISH COLONIST**, 18 August 1841; **MONTREAL GAZETTE**, 13 August 1841.

2. **BRITISH COLONIST**, 18 August 1841. The sarcasm is built into the report.

3. **IBID.**

4. **MONTREAL GAZETTE**, 13 August 1841.

5. **BRITISH COLONIST**, 18 August 1841.

6. **IBID.**

7. **MONTREAL GAZETTE**, 13 August 1841.

8. The debate arising was reported by: **BRITISH COLONIST**, 18 August 1841; **MONTREAL GAZETTE**, 13 August 1841 comments upon the debate; **WESTERN HERALD**, 8 September 1841 contains a summary of the debate and a commentary upon it.

9. **BRITISH COLONIST**, 18 August 1841.

10. **IBID.**

11. **IBID.**

12. **IBID.**

13. **IBID.**

14. **IBID.**

15. **IBID.**

16. **IBID.**

17. **IBID.**

18. **IBID.**

19. **IBID.**

20. **IBID.**

21. **IBID.**

22. **IBID.**

23. **IBID.**

24. **IBID.**

25. **IBID.**

26. **IBID.**

27. **IBID.**

28. **IBID.**

29. **IBID.**

30. This debate was reported by: **BRITISH COLONIST**, 18 August 1841; and **MONTREAL GAZETTE**, 13 August 1841.

31. **BRITISH COLONIST**, 18 August 1841.

32. **IBID.**

33. **IBID.**

34. **MONTREAL GAZETTE**, 13 August 1841.

35. **BRITISH COLONIST**, 18 August 1841.

36. **IBID.**

37. **MONTREAL GAZETTE**, 13 August 1841.

38. **IBID.**

39. **IBID.**

40. **BRITISH COLONIST**, 13 August 1841.



## Wednesday, 11 August 1841.

*Petitions brought up.*

Wm. Taylor and others.  
 W. Fletcher and others.  
 T. Sandilands and others.  
 Elam Stimson and others.  
 Jacob Gardner and others.  
 Jas. Coleman and others.  
 Alpheus Todd of Toronto.  
 Reuben White.

Message from  
 Legislative Council.

Several Bills passed.

Militia Law.

Queen's Bench Bill.

Caledonia Bridge Bill.

Bill to regulate the taking of Securities passed by Legislative Council.

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The following Petitions were severally brought up and laid on the table : —

By Mr. *Woods*, the Petition of *William Taylor*, and others, Freeholders of the County of *Kent*; — and the Petition of *W. Fletcher*, and others, Inhabitants of *Bear Creek*, County of *Kent*.

By Mr. *Durand* — The Petition of *T. Sandilands*, and others, inhabitants of the District of *Wellington* — the Petition of *Elam Stimson*, and others, inhabitants of the *Gore* and *Brock* Districts — and the Petition of *Jacob Gardner*, and others, of the Township of *Wilmot*, District of *Wellington*.

By Mr. *Hopkins* — The Petition of *James Coleman*, and others, of the Village of *Dundas*, *Gore* District.

By Sir *Allan MacNab* — The Petition of *Alpheus Todd*, of *Toronto*, Deputy Librarian to the Legislative Assembly.

By Mr. *Baldwin* — The Petition of *Reuben White*, of the Township of *Sidney*, *Victoria* District.

A Message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery.

MR. SPEAKER,

The Legislative Council have passed the following Bills, without any amendment : —

"An Act to amend the Militia Law of that part of this Province formerly constituting the Province of Upper Canada."

"An Act to facilitate the despatch of business in the Court of Queen's Bench of Upper Canada."

"An Act to incorporate certain persons under the title of 'The Caledonia Bridge Company'."

And also,

The Legislative Council have passed a Bill, intituled "An Act to regulate the taking of securities in all offices, in respect of which security ought to be given, and for avoiding the grant of all such

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"offices in the event of such security not being given within a limited time after the grant of such office," to which they desire the concurrence of the Assembly.

And then he withdrew.

Bill read first time.

An engrossed Bill from the Legislative Council, intituled "An Act to regulate the taking of securities in all offices in respect of which security ought to be given, and for avoiding the grant of all such offices in the event of such security not being given within a limited time after the grant of such office," was read for the first time.

*Petitions read.*

Pursuant to the Order of the day, the following Petitions were read :

Of *John A. Wilkes* and others.

Of *J. A. Wilkes*, and others, near the *Grand River*, in the Districts of *Gore* and *Niagara*, praying that the *Indian Tract* lying *South* and

*South East of Dundas Street, and the Townships of Rainham and Walpole, be erected into a separate District.*

Of Wm. New,  
of Hamilton.

Of *William New*, of the Town of *Hamilton*, praying that his name may be inserted in the Petition of the contractors of the *Hamilton* and *Brantford* macadamized road, to be allowed interests and damages due to them — he being one of the Contractors.

Of Richard Loucks,  
Junior, and others.

Of *Richard Loucks*, Junior, and others, members of the *Presbyterian* Congregation of *Osnabruck*, praying for the introduction of the Bible as a class book in all the Schools and Colleges of this Province.

Of Jacob Hailer,  
and others.

Of *Jacob Hailer*, and others, inhabitants of the Townships of *Waterloo*, *Woolwich*, and other places, praying that the Petition of the Magistrates of *Guelph* and its vicinity, for the continuation of the additional Tax may not be granted.

Of Arthur Palmer  
and others.

Of *Arthur Palmer*, and others, members of the Board of Education for the District of *Wellington*, praying that the Holy Scriptures may be taught in all the Schools in the Province.

Of Presbyterian Con-  
gregation of South  
Gower.

Of the *Presbyterian* Congregation of *South Gower*, in connexion with the Church of *Scotland*, praying that if a new system of education be adopted, the Bible may be used as a Class Book.

Of James Maitland  
and others.

Of *James Maitland*, and others, inhabitants of the Township of *Marlborough*, and other places, praying for an aid of £100 to complete the erection of a Bridge across the river *Rideau*, at *Burrett's Rapids*.

Of Samuel Galloway,  
and others.

Of *Samuel Galloway*, and others, inhabitants of *Wentworth*, County of the *Lake of Two Mountains*, praying for an aid in support of a School in that Township.

Of Wm. Wallace  
and others.

Of *William Wallace*, and others, inhabitants of the Township of *Ramsay*, District of *Bathurst*, praying for an aid to make a public highway from the *St. Lawrence* to the river *Ottawa*.

Of H. Glass and  
others.

Of *H. Glass*, and others, Inhabitants of *Perth*, and its vicinity, praying for some enactments to suppress the evils arising from intemperance.

Petition of Presbyte-  
rian Congregation of  
South Gower referred  
to Select Committee  
on Common Schools.

*Ordered* — That the Petition of the *Presbyterian* Congregation, of *South Gower*, in connection with the Church of *Scotland*, be referred to the select Committee to which is referred the Bill to repeal certain Acts therein mentioned, and to make provision for the establishment and maintenance of Common Schools, throughout this Province, and other references.

Petition of Malcolm  
Fraser and others,  
referred to same  
Committee.

*Ordered* — That the Petition of *Malcolm Fraser*, and others, *Protestant* Inhabitants of *River-du-Loup*, District of *Quebec*, presented to the House on the 5th *July* last, be referred to the said Committee.

Petition of Rev.  
William Brethour  
and others, referred  
to same Committee.

*Ordered* — That the Petition of the Reverend *William Brethour*, and others, Members of the Church of *England*, of the County of *Beauharnois*, presented to the House on the 5th of *July* last, be referred to the said Committee.

Petition of Clergy  
and members of  
Church of Eng. in  
Melbourne, and other  
places, referred to  
said Committee.

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*Ordered* — That the Petition of the Clergy and Members of the Church of *England*, in *Melbourne* and other places, presented to the House on the 8th of *July* last, be referred to the said Committee.

Petition of Bishop  
of Montreal and  
others, referred to  
same Committee.

*Ordered* — That the Petition of the right Reverend the Bishop of *Montreal*, and others of *Quebec*, presented to the House on the 14th of *July* last, be referred to the said Committee.

Petition of Richard  
Loucks & others,  
referred to said  
Committee.

*Ordered* — That the Petition of *Richard Loucks*, Junior, and others, Members of the *Presbyterian* Congregation of *Osnabruck*, be referred to the said Committee.

On motion of Mr. *Durand*, seconded by Mr. *Baldwin*,

Petition of Jacob  
Hailer and others,  
referred to select  
Committee.

*Resolved* — That the Petition of *Jacob Hailer*, and others, Inhabitants of the Townships of *Waterloo*, *Woolwich*, and other places, be referred to a select Committee composed of Mr. *Price*, Mr. *Hopkins*,

Mr. *Harmanus Smith*, and Mr. *Thorburn*, to examine the contents thereof, and report thereon with all convenient speed, with power to send for persons, papers, and records.

Petition of Fire Company & Magistrates of Brantford, referred to Select Committee.

On motion of Mr. *Harmanus Smith*, seconded by Mr. *Durand*,  
*Resolved*—That the Petition of the Fire Company and of the Magistrates of the Town of *Brantford*, presented to the House on the 23rd of *July* last, be referred to a select Committee, composed of Mr. *Durand*, Mr. *Price*, Mr. *Parke*, and Mr. *Powell*, to examine the contents thereof, and report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Committee on Petition of A. Dingwall Fordyce, and others, discharged and Petition referred to another Committee.

On motion of Sir *Allan MacNab*, seconded by Mr. *Thorburn*,  
*Ordered*—That the select Committee to which was referred the Petition of *A. Dingwall Fordyce*, and others, Magistrates and Freeholders of the District of *Wellington*, be discharged from the further consideration of the said Petition, and that it be referred to a select Committee, composed of Mr. *Baldwin*, Mr. *Cartwright*, Mr. *Aylwin*, and the Honourable Mr. *Dunn*, to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers, and records.

Larceny Bill reported amended and referred to Committee of whole on Bill on Administration of Justice.

Mr. *Black*, from the special Committee to which was referred the Bill for consolidating and amending the Laws in this Province relative to Larceny, and other offences connected therewith, reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table.

*Ordered*—That the said Bill and report be referred to the Committee of the whole House on the Bill for improving the administration of Justice in this Province.

Malicious Injuries to Property Bill reported amended, and referred to Committee of whole on Criminal Justice Bill.

Mr. *Black*, from the Special Committee to which was referred the Bill for consolidating and amending the Laws in this Province relative to malicious injuries to property, reported that the Committee had gone through the Bill, and had made several amendments thereto which amendments were again read at the Clerk's table.

*Ordered*—That the said Bill and report be referred to the Committee of the whole House on the Bill for improving the administration of Criminal Justice in this Province.

District of Gore and Wellington Settlement Bill reported and read 1st time.

Mr. *Durand*, from the select Committee to which was referred the Petition of *A. Dingwall Fordyce*, and others, Magistrates and Freeholders of the District of *Wellington*, praying to confirm the settlement of the debt between the *Gore* and *Wellington* Districts, with power to report by Bill or otherwise, presented to the House a Bill to confirm a

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certain arrangement entered into by the Magistrates of the Districts of *Gore* and *Wellington*, which was received and read for the first time.

Second reading Monday next.

*Ordered*—That the said Bill be read a second time on *Monday* next.

Address to be sent to His Excellency for Statement of Salaries borne on incomes of the Canadas from 1st October 1839 to 10th February 1841 and since.

On motion of the Honourable Mr. *Moffatt*, seconded by Mr. *Black*,  
*Resolved*—That an humble address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a detailed statement of all salaries borne on the Income of *Lower Canada*, from whatever source derived, between the 1st of *October*, 1839, and the 10th of *February*, 1841: a similar statement of all salaries borne on the Income of *Upper Canada*, from whatever source derived, for the same period: and a similar statement of all salaries borne on the consolidated Income of the Province of *Canada* on and since the said 10th of *February* last.

*Ordered*—That the said Address be presented to His Excellency by such Members of this House as are of the Honourable the Executive Council of the Province.



Address to His Excellency the Governor General for Copy of Correspondence in case of dismissal of R. Berrie, Esq.

On motion of Sir *Allan MacNab*, seconded by Mr. *Thorburn*,  
*Resolved*—That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House Copy of all correspondence passed on the occasion of the dismissal of *Robert Berrie*, Esquire, from his Office of Clerk of the Peace, for the District of *Gore*.

*Ordered*—That the said Address be presented to His Excellency by such Members of this House as are of the Honourable the Executive Council of this Province.

Physic and Surgery Bill read 2nd time, and ordered to be engrossed.

A Bill to enable persons authorized to practice Physic or Surgery in *Upper* or *Lower Canada* to practice in the Province of *Canada*, was, according to order, read a second time.

*Ordered*—That the said Bill be engrossed.

Woodstock limits bill read 2nd time, and ordered to be engrossed.

A Bill to extend and define the limits of the Town of *Woodstock*, in the District of *Brock*, was, according to order, read a second time.

*Ordered*—That the said Bill be engrossed.

Property injury bill read 2nd time, and referred to a Select Committee.

A Bill for more effectually preventing wicked and malicious persons from injuring or destroying real and personal property, was, according to order, read a second time.

Mr. *Williams* moved, seconded by Mr. *Boswell*, that the said Bill be referred to a select Committee, composed of Mr. *Black*, Mr. *Baldwin*, Mr. *Price*, and Mr. *Neilson*, to report thereon with all convenient speed, with power to send for persons, papers, and records.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative.

*Resolved* accordingly.

*Ordered*—That Mr. Attorney General *Draper*, and Mr. *Aylwin*, be added to the said Committee.

Boundary line Commissioners bill read a 2nd time, and referred to a Select Committee.

A Bill to repeal an Act passed in the fifth Session of the Parliament of the late Province of *Upper Canada*, intituled "*An Act to alter and amend an Act passed during the third Session of the present Parliament, entitled 'An Act to authorize a Board of Boundary Line Commissioners within the several Districts of this Province', and to make 'further provisions therein,'*" was, according to order, read a second time.

On motion of Mr. *Roblin*, seconded by Mr. *Gilchrist*,

*Resolved*—That the said Bill be referred to a select Committee, composed of Messieurs *Thorburn*, *Morris*, *Chesley*, *Watts*, *Merritt* and

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*McLean*, to report thereon will (sic) all convenient speed; with power to send for persons, papers, and records.

A Message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery.

LEGISLATIVE COUNCIL, 11th DAY OF AUGUST, 1841.

Message from Legislative Council. Petitions to the Queen, Lords, and Commons, on timber trade, agreed to by Legislative Council.

*Ordered*—That the Master in Chancery do go down to the Legislative Assembly, and acquaint that House that the Legislative Council have agreed to the Petitions sent up by the Assembly, on the Timber Trade, and that the blanks have been filled up with the words "Legislative Council."

Joint Committee requested to prepare address to His Excellency the Governor General.

*Ordered*—That a joint Committee be requested to prepare an Address to His Excellency, the Governor General, to accompany the said Petitions; and that this House have appointed two of their members to be a Committee, on the part of this House, who will be ready to meet the Committee of the Legislative Assembly, in the joint Committee Room, to-morrow, at two o'clock, in the afternoon.

Attest,

JAMES FITZGIBBON,  
 Clerk Leg. Council.

And then he withdrew.

Joint Committee  
acceded to and  
appointed on the  
part of this House.

*Resolved* — That a Committee of four members be appointed to meet the Committee of the Honourable the Legislative Council appointed to prepare an Address to His Excellency the Governor General to accompany the Petitions sent up by this House, on the subject of the Timber Trade, conformably to the Message received from their Honours this day.

*Ordered* — That Mr. Neilson, Mr. Black, Mr. Cameron and Mr. Johnston do compose the said Committee.

Order of the day for  
2nd reading Notaries  
bill postponed till  
Monday.

The Order of the day for the second reading of the Bill to regulate the admission of persons to the Notarial Profession, in that part of the Province called *Lower Canada*, being read,

*Ordered* — That the said Order of the day be postponed until *Monday* next.

Order of day for com.  
of whole on Montreal  
roads bill postponed  
'till Friday next.

The Order of the day, for the House in Committee, on the Bill to amend the Ordinance of the third VICTORIA, Chap. 31, for the improvement of the roads in the neighbourhood of, and leading to, the City of *Montreal* being read,

*Ordered* — That the said Order of the day be postponed until *Friday* next.

Highway bill read  
2nd time, and to be  
referred to com. of  
whole on Friday next.

A Bill to alter and amend an Act of the Legislature of *Upper Canada*, intituled "*An Act to provide for the laying out, amending and 'keeping in repair, the Public Highways and Roads in this Province, 'and to repeal the Laws now in force for that purpose,'*" was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Friday* next.

Sydenham Mountain  
road bill read 2nd  
time, and to be  
referred to com. of  
whole on Friday next.

A Bill to establish a Company by the name of the "*Sydenham Mountain Road Company*," was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Friday* next.

House goes into com.  
of whole on 2nd  
report of Special com.  
on Clerk's office.

The Order of the day for the House in Committee, on the second Report of the Special Committee appointed to enquire what assistance it will be necessary to afford to the Clerk, and what offices and depart-

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ments it will be expedient to establish, for the effective and orderly conduct of the business of this House, being read,

The House accordingly resolved itself into the said Committee.

Mr. Yule took the chair of the Committee, and after some time spent therein,<sup>1</sup>

Mr. Speaker resumed the chair,

And Mr. Yule reported that the Committee had made some progress, and had directed him to move for leave to sit again.

*Ordered* — That the said Committee have leave to sit again on *Friday* next.

The Order of the day, for the House in Committee, on the Bill to regulate the currency of this Province, being read,

The House accordingly resolved itself into the said Committee.

Mr. Cook took the chair of the Committee,

There was a good deal of opposition manifested to parts of the Bill. In particular, the proposition to fix the value of sovereigns at 24s 3d was opposed by Messrs. Morris and Johnston, who were desirous of having the sum of 24s 6d substituted, but were unsuccessful in their motion to that effect.<sup>2</sup>

Progress.

Sit again on Friday  
next.

House goes into com.  
of whole on currency  
bill.

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and after some time spent therein,

Mr. Speaker resumed the chair,

Amendments reported  
and agreed to.And Mr. *Cook* reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table, and agreed to by the House.

Bill to be engrossed.

*Ordered* — That the said Bill, as amended, be engrossed.House goes into com.  
of whole on *Simcoe*  
Gaol and Court  
House bill.The Order of the day for the House in Committee, on the Bill to increase the sum which may be raised, under a certain Act therein mentioned, for defraying the cost of certain public buildings, in the County of *Simcoe*, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Crane* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Bill reported amended  
Report to be received  
on Friday.And Mr. *Crane* reported that the Committee had gone through the Bill, and had made an amendment thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.*Ordered* — That the Report be received on *Friday* next.Order of day for  
Com. of whole on  
copy right bill dis-  
charged, and bill re-  
ferred to a Select  
Committee.The Order of the day for the House in Committee on the Bill for the protection of Copy Rights, in that part of the Province formerly constituting of *Upper Canada*, being read,On motion of Mr. *Williams*, seconded by Mr. *Thorburn*,*Ordered* — That the said Order of the day be discharged, and that the said Bill be referred to a select Committee, composed of Mr. Solicitor General *Day*, Mr. *Black*, Mr. *Holmes* and Mr. *Morin*, to report thereon with all convenient speed, with power to send for persons, papers and records; and that it be an instruction of the said Committee to extend the provisions of the said Bill to the Province of *Canada*.House goes into com.  
of whole on Montreal  
Board of Trade bill.The Order of the day for the House in Committee on the Bill to incorporate the *Montreal* Board of Trade, being read.

The House accordingly resolved itself into the said Committee.

Mr. *Williams* took the chair of the Committee,

**Messrs. Boswell, Christie, and Viger...** observed that the powers of the Board were not defined at all, but the member for Montreal who was so extremely vigilant on the Municipal Bill, could discover nothing in his own but equity and simplicity —<sup>3</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair,

Bill reported  
amended.And Mr. *Williams* reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.And report to be  
received to-morrow.*Ordered* — That the Report be received to-morrow.House in com. on  
Haldimand Glass  
Works bill.

The Order of the day for the House in Committee, on the Bill to establish a Company, to be called "The Haldimand Glass Works Company," being read,

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The House accordingly resolved itself into the said Committee.

Mr. *Roblin* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Bill reported without  
amendment, and or-  
dered to be engrossed.And Mr. *Roblin* reported that the Committee had gone through the Bill, without making any amendment thereto, and the Report was again read at the Clerk's table.*Ordered* — That the said Bill be engrossed.



House to go into  
com. on bill to pre-  
vent accidents by fire.

The Order of the day for the House in Committee, to consider the expediency of repealing an Act passed by the Parliament of *Upper Canada*, in the seventh year of the Reign of GEORGE the Fourth, intituled "*An Act to make further and more effectual provision for the prevention of accidents by Fire in the several Police Towns of this Province*," with a view to extend the provisions of the same throughout the Province, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Durand* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Resolution reported  
and agreed to.

And Mr. *Durand* reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth :

Resolution.

*Resolved* — That it is expedient, and desirable, to repeal an Act, passed in the Parliament of *Upper Canada*, in the seventh year of the reign of King GEORGE the Fourth, intituled "*An Act to make further and more effectual provision from the prevention of accidents by fire in the several Police Towns of this Province*," and to take measures to extend similar provisions to the Province of *Canada*.

Fire Companies Bill  
brought in and read  
first time.

*Ordered* — That Mr. *Dunscumb* have leave to bring in a Bill to repeal a certain Act, therein mentioned, and to exempt the Members, of Companies of Firemen, lawfully established, from serving as Jurors, and in the Militia, except in certain cases.

He accordingly presented the said Bill to the House, and the same was received and read, for the first time.

Second reading  
Friday next.

*Ordered* — That the said Bill be read a second time on *Friday* next.

House in Committee  
on Heir and Devisee  
Bill.

The Order of the day for the House in Committee, on the Bill to amend and consolidate the several Acts of the Legislature of *Upper Canada*, passed for the relief of persons claiming lands, under the nominees of the Crown, in cases where no Patent hath issued for such Lands, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Armstrong* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Bill reported amended.

And Mr. *Armstrong* reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

Then, on motion of the Honourable Mr. *Viger*, seconded by Mr. *Baldwin*,

The House adjourned.

Footnotes — 11 August 1841.

1. "A good deal of discussion arose on the Report of the Offices of the House." *BRITISH COLONIST*, 18 August 1841.

2. *MONTREAL GAZETTE*, 17 August 1841.

3. *BRITISH COLONIST*, 18 August 1841.

Thursday, 12 August 1841.

*Petitions brought up.*

Sister M. M. Huot,  
Superior of St.  
Hyacinthe Hospital.  
Chs. Currie and  
others.

Rev. Wm. Muir  
and others.

Chas. Smyth,  
City of Albany.

Rear Ad. Vansittart,  
of Woodstock Me-  
chanics Institute.

James Black and  
others.

Physic and Surgery  
bill read 3rd time  
and passed.

Bill sent to Legislative  
Council.

Woodstock limits bill  
read third time and  
passed.

Bill sent to Legisla-  
tive Council.

*Petitions read.*

Ladies of R. C.  
Orphan Asylum.

Rev. Walter Roach,  
and others.

Or Charles De Léry,  
Senior, of Quebec.

Of Dame Emilie  
Gamelin, and others.

Of ditto, (2.)

Of Rev. A. Balfour,  
and others.

Of Daniel Clarke,  
and others.

Alexander McMartin,  
and others.

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The following Petitions were severally brought up and laid on the table : —

By Mr. *Boutillier* — The Petition of *Sister M. M. Huot*, Superior of the Hospital of *St. Hyacinthe*, County of *St. Hyacinthe*.

By Mr. *Robertson*, the Petition of *Charles Currie*, and others, of the Gore of *Chatham* (sic), County of the *Lake of Two Mountains* : and the Petition of the Reverend *William Muir*, and others, of the Townships of *Chatham*, and *Grenville*.

By Mr. *Henry Smith*, the Petition of *Charles Smith*, of the City of *Albany*, State of *New York*, Merchant.

By Mr. *Hincks*, the Petition of rear Admiral *Henry Vansittart*, and others, the Committee of Management of the "Woodstock Mechanics Institute."

By Mr. *Black*, the Petition of *James Black*, and others, of *Quebec*.

An engrossed Bill to enable persons authorized to practice Physic or Surgery in *Upper* or *Lower Canada*, to practice in the Province of *Canada*, was read, for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Cameron*, do carry the said Bill to the Legislative Council, and desire their concurrence.

An engrossed Bill, to extend and define the limits of the Town of *Woodstock*, in the District of *Brook*, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Hincks*, do carry the said Bill to the Legislative Council, and desire their concurrence.

Pursuant to the Order of the day the following Petitions were read.

Of the Ladies of the Roman Catholic Orphan Asylum, of *Montreal*, praying to be incorporated as such Asylum.

Of the Reverend *Walter Roach*, and Elders, of the Scotch Church, at *Beauharnois*, praying that the Scriptures may be introduced into all Schools and Seminaries, as a class book.

Of *Charles De Léry*, Senior, of *Quebec*, late Senior Clerk Assistant of the Legislative Council, of *Lower Canada*, praying for a remuneration for the loss of his salaries and emoluments, and in consideration of his long services.

Of Dame *Emilie Gamelin*, and others, of *Montreal*, praying for an Act of incorporation under the title of the "*Montreal Asylum for aged and infirm Women*."

Of Dame *Emilie Gamelin*, and others, of *Montreal*, praying that the sum of ninety pounds, sterling, may be appropriated for the support of aged and infirm Women under charge.

Of the Reverend *A. Balfour*, and others, praying for an aid for a certain road, near the Village of *Granby*.

Of *Daniel Clarke*, and others, Inhabitants of the Counties of *Glen-garry*, and *Stormont*, praying for an aid for a road running through the Indian Lands.

Of *Alexander McMartin*, and others, Inhabitants of the County of

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*Glengarry*, Eastern District, praying for an aid to build a Bridge, across the *River aux Raisins*.

Of John Smyth,  
Surveyor.

Of *John Smyth*, of the City of *Toronto*, Surveyor, praying for a remuneration in consequence of the land he obtained, for his services, as Surveyor, being of no value.

Of Joseph Milburn.

Of *Joseph Milburn*, of the Township of *York*, *Home* District, praying for a compensation for the injury sustained by him, in damage done to his House during the late election, of the first Riding of *York*.

Of Rev. Hugh  
Paisley.

Of the Reverend *Hugh Paisley*, and others, of the Parish of *St. Catharine de Tossambault*, praying for an appropriation of three hundred pounds, for a certain road.

Petition of Henry  
Weeks, referred.

On motion of Mr. *Morris*, seconded by Mr. *Child*.

*Resolved*—That the Petition of *Henry Weeks*, of *Yonge*, District of *Johnston*, presented to the House on the twenty ninth of *July* last, be referred to a select Committee, composed of the Honourable Mr. *Harrison*, Mr. *Daly*, Mr. *Holmes*, Mr. *Roblin*, to examine the contents thereof, and report thereon, with all convenient speed; with power to send for persons, papers, and records.

Petition of Dame  
Emilie Gamelin, and  
others, referred.

On motion of the Honourable Mr. *Viger*, seconded by Mr. *Quesnel*.

*Resolved*—That the Petition of Dame *Emilie Gamelin*, and others, of *Montreal*, praying for an Act of incorporation, under the title of the "*Montreal Asylum for aged and infirm Women*" be referred to a Select Committee composed of Mr. *Neilson*, and Mr. *Quesnel*, to examine the contents thereof, and report thereon, with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Petition of Ladies  
R. C. Orphan  
Asylum, referred.

*Ordered*—That the Petition of the Ladies of the Roman Catholic Orphan Asylum, of *Montreal*, be referred to the said Committee.

Petition of the Rev.  
Joseph Abbott, and  
others, referred.

*Ordered*—That the Petition of the Reverend *Joseph Abbott*, and other Protestant Inhabitants, of the Township of *Grenville*, presented to the House on the twentieth of *July* last, be referred to the select Committee, to which was referred the Bill to repeal certain Acts therein mentioned, and to make provision for the establishment and maintenance of common Schools, throughout this Province, and other references.

Freedom of election  
bill and enregistration  
bill reported by Select  
com. with several  
amendments.

Mr. *Baldwin*, from the select Committee to which were referred the Bill, the better to provide for the freedom of elections, throughout this Province, and for other purposes therein mentioned; and the Bill, to provide for the enregistration of Persons entitled to vote at elections of Members of the Legislative Assembly, of this Province, and to make better provision for the holding of such elections, reported that the Committee had gone through the said two Bills and had made several amendments thereto, which amendments were again read at the Clerk's table.

Bills to be referred  
to com. of whole,  
to-morrow.

*Ordered*—That the said Bills and reports be referred to a Committee of the whole House to-morrow, and that it be then, the first order of the day.

Speaker reports receipt of Poll Book for last election for *St. Maurice*.

Mr. Speaker acquainted the House, that, in pursuance to its order, of the fourteenth of *July*, last, the Prothonotary of the Court of King's Bench, for the District of *Three Rivers*, had transmitted, to the Clerk of this House, the Poll Book for the last election of the County of *St. Maurice*.

Trial of contested  
election, for county  
of *St. Maurice*,  
entered upon.

The Order of the day, for taking into consideration the Petition of divers electors of the County of *St. Maurice*, complaining of the undue Return of *Joseph Edouard Turcotte*, Esquire, as a Member for the said County, being read,

The doors of the House were shut.<sup>1</sup>



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The following Members took, at the table, the oath prescribed by Law, namely : —

Mr. Speaker,

Mr. *Armstrong*, Mr. *Aylwin*, Mr. *Baldwin*, Mr. *Barthe*, Mr. *Black*, Mr. *Borne*, Mr. *Boswell*, Mr. *Boutillier*, Mr. *Buchanan*, Mr. *Burnet*, Mr. *Cameron*, Mr. *Chesley*, Mr. *Child*, Mr. *Christie*, Mr. *Cook*, Mr. *Crane*, Mr. *Delisle*, Mr. *Derbshire*, Mr. *De Salaberry*, Mr. Attorney General *Draper*, Mr. *Duggan*, Mr. *Durand*, Mr. *Foster*, Mr. *Gilchrist*, the Hon. Mr. *Harrison*, Mr. *Hincks*, Mr. *Holmes*, Mr. *Hopkins*, Mr. *Johnston*, Sir *Allan MacNab*, Mr. *McCulloch*, Mr. *J. S. MacDonald*, Mr. *McLean*, Mr. *Moffatt*, Mr. *Morin*, Mr. *Morris*, Mr. *Neilson*, Mr. Attorney General *Ogden*, Mr. *Parent*, Mr. *Parke*, Mr. *Powell*, Mr. *Price*, Mr. *Quesnel*, Mr. *Raymond*, Mr. *Robertson*, Mr. *Roblin*, Mr. *Simpson*, Mr. *Small*, Mr. *Henry Smith*, Mr. *Hermanus Smith*, Capt. *Steele*, Mr. *Taché*, Mr. *Thompson*, Mr. *Thorburn*, the Hon. Mr. *Viger*, Mr. *Watts*, Mr. *Williams*, and Mr. *Yule*. — 59.

Doors opened.

The doors were then opened.

Counsel for Petitioners called, who appears at bar.

The Counsel for the Petitioners being called,

*Bartholomew Conrad Augustus Gagy*, Esquire, appeared at the Bar as such Counsel.

Witnesses withdraw.

The witnesses were desired by Mr. Speaker to withdraw.

Mr. Gagy addresses House.

After which, Mr. *Gagy* addressed the House on behalf of the Petitioners.

Returning Officer sworn and gives evidence.

*Joseph Eustache Sicard De Carufel*, Esquire, Returning Officer at the last election for the County of *St. Maurice*, was called to the Bar, and after having been duly sworn, gave the following evidence : —

Evidence of Returning Officer at late election for county of *St. Maurice*.

No. 1, Ques. — Was *Joseph Edouard Turcotte*, Esquire, required to make the declaration prescribed by the 28th Section of the Union Act, 3d and 4th VICTORIA, Chapter 28, at any time during the Election of the County of *St Maurice*? If so, please to say when he was required to do so, and what then occurred? — Ans. — Mr. *Turcotte* was required, by one *Pierre Dugas dit Labrèche*, to make the declaration in question. Mr. *Turcotte* answered, that he was qualified, and that it was not necessary that he should qualify himself again. Nevertheless, he continued, I shall read the declaration so that he will not understand it, as he does not understand English. He then turned towards me, and asked me whether I had the Union Bill. Having it by me, I handed it to him. He then turned his back to me, and read the twenty eighth Section in question; but I cannot say whether he read it all, because there was a great deal of noise.

No. 2, Ques. — Did you hear what the said *Joseph Edouard Turcotte*, Esquire, said? for instance, did he mention his name, or the tenure by which he held this property? — Ans. — As to this name, I am not very certain; but, to the best of my knowledge, I do believe I heard him pronounce the word "*Turcotte*," but not any thing about the nature of his property.

No. 3, Ques. — In point of fact, did the said *Joseph Edouard Turcotte*, Esquire, when he so read the part of the declaration, which you heard, specifying the tenure by which he held any property, to which he then laid claim? — Ans. — I did hear him do so.

No. 4, Ques. — How did he become possessed of the Book containing the Union Act? Was it with or without your assent? Describe the manner in which he so became possessed of it? — Ans. — When he asked me for the Union Bill, he snatched it out of my hands before I gave it to him.

No. 5, Ques. — Was any violence used towards, or any threatening language addressed to you, during the said election — and if so, by

Evidence of Returning  
Officer at late  
election for County  
of St. Maurice.

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whom, am I relate (sic) what occurred? — Ans. — When I began to take the votes, I wished to take them in the public room which was the place I had appointed for that purpose. Mr. *Turcotte* opposed this, saying, that he wished them to be taken in the open air. We then began to take them, in the open air, but the Poll Clerk having informed me that the ink was frozen, I ordered that the votes should be taken in the public room. Mr. *Turcotte* then said to his partizans: "They want to do me an injustice — have you still strong arms?" His partizans began to set up loud cries, and took possession of the Poll. In consequence of these threats, I ordered that the Poll should be closed. Mr. *Turcotte* came to me with his sword in his hand, and told me that if I did not continue taking the votes I should be torn to pieces, saying, "you are a damned hog, and your life is in danger," at the same time, several of his partizans threatened me with sticks, and with their fists.

No. 6. Ques. — Did he threaten that blood should be split, and were you afraid for your life? — He told me that he would not answer for my life; and I was afraid for my life.

No. 7. Ques. — As you state that you did not hear the said *J. E. Turcotte*, Esquire, read the whole declaration, how came you to give him a certificate that he had read it? — Ans. — Because I was afraid for my life, and it was on the day after the opening of the Poll that I granted him a certificate of his having read the declaration.

No. 8. Ques. — Do you mean to say that the threats used, and the danger you ran, disturbed your judgment at the time, and your memory afterwards? — Ans. — No; but as it was the first time I had been a Returning Officer, and being pressed by Mr. *Turcotte* to decide, I did every thing without too much reflection.

No. 9. Ques. — Were you the Returning Officer for the last election of the County (sic) of *St. Maurice*, and is the Poll Book now produced, the Poll Book of the said election? — Ans. — Yes.

No. 10. Ques. — Was there any violence the second day? — Ans. — No.

No. 11. Ques. — When the Sitting Member read the declaration, as described by you, was any objection made as to the manner in which it was made, and if so by whom? — Ans. — No.

No. 12. Ques. — Were there any blows struck in your presence, the first day? — Ans. — No; not to my knowledge.

No. 13. Ques. — Is the certificate of Mr. *Turcotte's* declaration entered on the Poll Book? the act of declaration made in consequence of the requisition of *Pierre Dugas dit Labreche* — Ans. — Yes.

No. 14. Ques. — Is it not true that the Poll lasted three days, and that it was on the 1st day that the Sitting Member used to you the threats of which you have spoken? — Ans. — It was on the first and on the second day.

No. 15. Ques. — Is it not true that the Sitting Member did not ask you to grant him a certificate of his having read the declaration; but that you signed the entry which appears on the Poll Book of your own accord, after it had been drawn up by your clerk? — Ans. — It was Mr. *Turcotte* who required me to sign it, and who dictated it to my clerk.

No. 16. Ques. — Was the certificate which you granted, of the said declaration, drawn from you by intimidation? — Ans. — No.

No. 17. Ques. — Is it not true that a Company of Her Majesty's Troops came to the Poll on the second day, on the requisition of Mr. *Gugy*? — Ans. — I have no knowledge that they came on the requisition of Mr. *Gugy*. The troops arrived during the night between the first and second days of the election.

No. 18. Ques. — Did you yourself, or did any other person object to the declaration drawn up by your clerk and signed by you? — Ans. — No.

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Officer at late election  
for the County  
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No. 19, Ques. — On whose requisition did Troops come? Was it on yours? and to whom and when was the requisition made? — Ans. — On the requisition of the Magistrates, and myself.

No. 20, Ques. — Is it not true that the Troops remained from the opening of the Poll, on the second day, to the close of the election? if not when did they come, and when did they go away? — Ans. — They came at the beginning of the second day, and they went away at the close of the third day, after the election was over.

No. 21, Ques. — Did you attend the preceding elections for the County of *Saint Maurice*? and have you observed that it was the custom for the candidates, for that County, to wear swords during the election? Ans. — I never attended them.

No. 22, Ques. — What o'clock was it when the sitting member threatened you, and used the injurious expressions you have mentioned? — Ans. I think it was about one, or half past one, in the afternoon of the first day.

No. 23, Ques. — At the close of the Poll, was any other protest made by the Candidate, or by the electors, than that which appears on the Poll Book? — Ans. — No.

No. 24, Ques. — Where you in the open air, or in the Public Room, when the threats and expressions, which you have mentioned, were used towards you? — Ans. — In the Public Room.

No. 25, Ques. — What o'clock was it when you were threatened and insulted by the sitting Member, on the second day? — Ans. — I do not remember exactly; but I think it was about half past, or three quarters past, eight, in the morning.

No. 26, Ques. — Is it not true that the Poll was held, as it was opened in the open air? — Ans. — It was only held for a very short time in the open air.

No. 27, Ques. — Were you under the necessity of calling in the Troops to maintain, or to re-establish order? — Ans. — Yes.

No. 28, Ques. — Is it not true that you went to *Maskinongé*, in a carriage with Mr. *Gugy*, on the evening of the first day of the election? Ans. — It was on the second day.

No. 29, Ques. — Is it not true that you solicited votes for Mr. *Gugy*, and when you went with him to *Maskinongé*, before, or afterwards? — Ans. No.

No. 30, Ques. — Did any disturbance occur during the election which rendered it necessary to call in the assistance of the Troops to repress it? and by what party was such disturbance occasioned? — Ans. — I think I have already answered this question — By the Partizans of Mr. *Turcotte*.

No. 31, Ques. — Can you say that a single blow was struck, either with a fist, or a stick, during the elections? — Ans. — No.

Mr. Carufel then withdrew.

The Counsel then declared the evidence closed on the part of the Petitioners and delivered to the Clerk of the House the following Paper, marked (A.)

(A.)

Before the undersigned Notaries Public for the Province of *Lower Canada*, one of whom is resident at *Gentilly*, and the other at *St. Pierre les Becquets*: personally appeared *Jean Lablanc*, of the Parish of *St. Edouard de Gentilly*, and *Josephite Dehai dite Tourigny*, his wife, by him duly authorized to the effect hereinafter mentioned, who hereby voluntarily acknowledge and confess to have given by pure, simple and irrevocable Donation *Inter Vivos*, in the most valid form in which such Donation can be made, without reserving any power to revoke the same except for ingratitude, and do hereby for greater surety jointly and severally, (renouncing all benefit of division) guarantee against all claims, gifts, dowers, debts, hypothecations, evictions, substitutions and



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Deed of Gift to  
Joseph Edouard  
Turcotte.

other incumbrances whatever to *Joseph Edouard Turcotte*, Esquire, of the Town of *Three Rivers*, Advocate, hereunto present and accepting the same, a certain lot of land lying in the Parish of *St. Edouard*, and in the first concession of the Seigniorship of *Gentilly*, containing two arpents and a quarter in front by forty arpents in depth, bounded on the north by the River *St. Lawrence*, and on the south at the end of the said forty arpents, adjoining on the north east, to the land of *Jean Baptiste Guillaume dit Ducormier*, and on the south west to that of *Joseph Panneton*, together with the buildings on the said lot, as the whole now is, with all appurtenances and dependencies thereto belonging, with all which the said Donee hath declared himself well satisfied and acquainted as having visited and examined the same, to the said Donors belonging by just and lawful titles which they bind themselves to produce and deliver whenever they shall be thereunto required; being and lying the said land within the *Censive* and *Monvance* of the Seigniorship of *Gentilly*, towards the Domain of which said Seigniorship it is charged with such *Cens et Rentes*, as may be lawfully due thereon, but is given as being free of all other incumbrances, debts, dues and hypothecations whatsoever, and with possession from this day; and the said Donors further give and grant to the said Donee, thereof accepting, all the Household Furniture, farming utensils, stock, carriages, clothes and linen of which they are now possessed, and more especially, a three feet Stove and its pipes, two beds with bedding, a feather bed, a side board, two tables, a chest for flour, a large iron pot, two iron pots with their covers, a cast iron kettle, a tin sauce pan, and Italian iron, six bark bottomed chairs, a ladle, an iron shovel, a horse, three cows, four sheep and one lamb, a sow, a cariole, a calèche, and a cart with their wheels, a plough with shares, and iron chains, a harrow with iron teeth, a hoe, a cornbin, two old sets of harness and a collar, a tub, a large looking-glass, nine hens and cock, a frying-pan, and a baking pan, the said Donors reserving for themselves during their lives and the life of the survivor of them, their household furniture, beds and clothes for their use in their room, with all their cooking utensils: — the said Donors also reserving to themselves the use of a horse and of a vehicle suitable to the season, excepting only during seed-time, haying time and harvest, — and reserving also a milch cow during their lives to be from time to time furnished by the said Donee, and fed and pastured at his expense, and reserving also six hens and a cock; — reserving also their sitting room and bed room, at the south west side of their house for their lives and the life of the survivor of them, for which said sitting room fuel shall be provided by the said Doner (sic) according to the requirement of the said Donors, with the right of cooking their meals at the kitchen fire place, and of causing the horses of persons visiting them to be lodged in the stable, during the stay of such persons; — and reserving also a ewe of which the lambs and fleece shall belong to the said Donation, and which shall from time to time be provided by and fed at the expense of the Donee; — the said Donee binding himself to keep the said house wind and water tight and in good order; and further binding himself to cause the said Donors to be taken care of in case of sickness, to pay for their medical attendance, and in case of need to provide a female servant for them; — this Donation being also made on condition that the said Donee shall pay the said *Cens et Rentes* and other Seigniorial rights as well due as to become due upon the said land, and shall also pay and provide to and for the said Donors an alimentary pension and allowance consisting of the following articles, that is to say; the flour produced from twenty-six minots of wheat, delivered to the Donors at their residence, two hundred pound weight of good salt pork, one fresh hog weighing about one hundred pounds, one hundred pounds of good beef, the said articles to be deliverable in Autumn, the meat of one fat lamb, thirty

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six pounds of salt butter, fifteen pounds of lard, twenty four dozen of eggs, six couple of fat fowls, twenty four pounds of candles, twenty bushels of potatoes, three bushels of boiling peas, twelve pounds of snuff for the donatrix, six pounds of tobacco for smoking, eight pounds of good tea, three pounds of coffee, one hundred pounds of sugar, (the first hundred pounds payable next year), seventy five heads of cabbage, six pounds of rice, two hundred onions, fifteen gallons of rum, five gallons of wine, half a bushel of salt, and six dollars in money ; — all which articles shall be payable yearly reckoning from to-morrow, and payable quarterly ; — with regard to the clothing of the Donors, the said Donee shall be bound to clothe them properly according to their station, and for the clothing of the Donatrix, he shall furnish a stuff dress every year, a bed gown, two caps of printed cotton and two white caps every year, a pair of English shoes every year, a shawl every two years, two cotton handkerchiefs every year, a cotton apron and a paper of pins every year, six pounds of soap a year, besides such soap as may be requisite for washing : — and the said Donatrix reserves the right of disposing of her wearing apparel at her decease. — which said annual allowance or pension shall be diminished one half on the death of the first deceased, except as to such articles as may be absolutely necessary to the subdivision, such as the keeping of the room warm and clean, — the cow, the use of a carriage, and other things, not susceptible of division, — and at the death of the last deceased shall be totally extinguished in favor of the Donee, who shall be bound to cause the bodies of the Donors to be buried in the burial ground of the Parish in which they shall die, and to cause a service to be performed over the body of each of them, or so soon after their decease as may be possible, and also to cause a service to be performed at end of a year from their death, and to cause fifty Low Masses to be said for the repose of the soul of each of them after their decease respectively.

For which considerations the said Donors hereby convey and transfer to the said Donee all their right, title property and interest in the property herein before specified and given, to the end that he may enjoy and dispose thereof as to him may seem meet by virtue of these presents and subject to the charges aforesaid. — and for the due en-registratiion of these presents the said Donors have constituted the bearer thereof to be their Attorney — for thus, &c., and for the due execution of these presents the said parties have elected their domicile at their respective places of residence, whereof, &c., thus done and passed at *Gentilly* at the residence of the said Donors, in the afternoon of the eleventh day of May, one thousand and eight hundred and forty ; — and the said Donors being requested to sign these presents declared themselves unable so to do, the said Donee having signed the same, after they had been duly read over, — thus signed on the original and remaining of record in the Office of *Maitre Genest*, one of the undersigned Notaries, *Jean x Lebanc*, *Joseph x Dehai*, *J. E. Turcotte*, *Gamelin Gaucher*, *N. P.*, and by the undersigned,

LOUIS GENEST, *N. P.*

Evidence of Chas.  
G. Mailhot, Esq.

*Charles G. Mailhot*, Esquire, was called to the Bar, and after having been duly sworn, gave the following evidence.

No. 32, Ques. — Were you present at the last Election for the County of *Saint Maurice* ? Ans. — I was.

No. 33, Ques. — On how many days, and during what time, each day ? — Ans. — I was present every day, and during the whole of each day.

No. 34, Ques. — Did you hear the sitting Member make any and what declaration of qualification ? Relate in detail what you know on this subject ? — Ans. — Mr. *Turcotte* declared himself qualified in a loud and intelligible voice, by reading, in a loud voice, from the 28th section of the Union Bill.

Evidence of Chas.  
G. Mailhot, Esquire.

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No. 35, Ques. — Did the sitting Member, in reading the declaration, mention his own name? Did he mention himself by his christian or surname, or by both? — Ans. — The sitting Member mentioned his surname and his christian names *Joseph Edouard*.

No. 36, Ques. — At what distance was the Returning Officer from the sitting Member when the latter made the declaration? must he have heard the said declaration? — Ans. — The Returning Officer was about twenty or twenty five feet from the sitting Member, and must have heard his declaration.

No. 37, Ques. — Did the sitting Member mention any property, or estate, held in fief, or in *roture*, or in free and common soccage, and what property did he mention? — Ans. — The sitting Member mentioned an estate which he held in *roture*.

No. 38, Ques. — Where was the declaration of the sitting Member made? — Ans. — On the Hustings.

No. 39, Ques. — Was the declaration of the sitting member made publicly, and in a manner to be heard? — Ans. — Yes.

No. 40, Ques. — At the time the declaration was made, did you observe any tumult or noise among the Electors, or others? — Ans. — No tumult whatever.

No. 41, Ques. — Were any threats, used to the Returning Officer, at any time, and by whom, and what were the threats used? — Ans. — No threats were used to the Returning Officer to my knowledge.

No. 42, Ques. — Is it to your knowledge that any injurious expressions were used towards the Returning Officer, and by whom? What were the expressions so used? — Ans. — I cannot remember that any such expressions were used.

No. 43, Ques. — If threats had been used to the Returning Officer, between Noon and Two in the afternoon, of the first day of the Election, would the fact have been to your knowledge, and why? — Ans. — I must have known it, because I was constantly on the spot.

No. 44, Ques. — Did the sitting Member use his sword during the Election, and in what way? — Ans. — The only use I saw him make of it was to wear it at his side, and to put his hands several times upon it.

No. 45, Ques. — Did he do this in a threatening manner and against whom were his threats directed? — Ans. — I have no knowledge that any were used.

No. 46, Ques. — Have you attended Elections at *Saint Maurice*, or elsewhere? have you observed whether Candidates wear swords at Elections? — Ans. — I never before attended an Election for the County of *Saint Maurice*, and I have not observed that the Candidates wore swords at other places.

No. 47, Ques. — Did any of Her Majesty's Troops come up during the Election? why did they come, and how long did they remain? And from what place did they come? — Ans. — Troops came, on the second day, they remained during the rest of the Election.

No. 48, Ques. — How did the Electors behave, with violence or peaceably? — Ans. — As peaceably as possible.

No. 49, Ques. — Had the Electors sticks or arms, of any kind? — Ans. — I did not see a single stick, or any other arms.

No. 50, Ques. — Did you at any time see the sitting Member draw his sword? — Ans. — No.

No. 51, Ques. — Did you remark anything, in the Returning Officer, of a nature to attract your particular attention, and say what? — Ans. — I remarked a great want of firmness in him.

No. 52, Ques. — State at length in what this want of firmness consisted? — Ans. — I observed at every instance that he scarcely knew how to proceed.



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Evidence of Chas.  
G. Mailhot, Esquire.

No. 53, Ques. — Did you see or hear the sitting Member say or do any thing, calculated to excite the Electors to a breach of the Peace. Ans. — Nothing at all.

No. 54, Ques. — What was the conduct of the sitting Member during the Election towards the Returning Officer, the opposing Candidate and the Electors in general? — Ans. — It was peaceable.

*Cross examined by Mr. Gagy, the Counsel for the Petitioners.*

No. 55, Ques. — Were you not one of the warm Partizans of the sitting Member, and did you not take an active part in his favor? — Ans. — Yes.

No. 56, Ques. — Did not the Partizans of Mr. *Turcotte* jump up on the Hustings, on the first day with loud cries? — Ans. — A small number jumped upon the Hustings, being provoked by the Returning Officer having adjourned the Poll.

No. 57, Ques. — Did they not pull down part of the Hustings, or try to do so? — Ans. — I have no knowledge of that, and I do not believe they did.

No. 58, Ques. — Did you not yesterday, of your own accord, come up to the Counsel of the Petitioners, and did you not spontaneously assure him that you heard nothing of the reading of the declaration of qualification by Mr. *Turcotte*, and that you were unable to say anything about it, or did you use any expressions of this kind? — Ans. — I said nothing which could bear that meaning.

No. 59, Ques. — Did you say any thing of the kind to Mr. *Carufel*? Ans. — I said to Mr. *Carufel* that it might happen that I should have some difficulty on some points.

No. 60, Ques. — Explain what difficulties, and on what points? Ans. — As to the reality of the property; because I have no personal knowledge on the subject.

No. 61, Ques. — Look at the charges mentioned in the donation which is now shewn to you and say to what sum they will annually amount?

It was objected that this question should be put to the Witness, Mr. *Mailhot* then withdrew.

On motion of the Honorable Mr. *Viger*, seconded by Mr. *Raymond*, Resolved — That the further consideration of the Petition of divers Electors of the County of *Saint Maurice* be postponed until to-morrow and then resumed.

Order of day for receiving report of Committee of whole on Speaker's Salary postponed 'till to-morrow.

The Order of the day for receiving the Report of the Committee of the whole House, appointed to take into consideration the propriety of providing for the payment of an annual salary to the Honorable the Speaker of this House, being read,

*Ordered* — That the said Order of the day be postponed until to-morrow.

Order of day for Committee of whole on Montreal Board of Trade Bill postponed 'till to-morrow.

The Order of the day for receiving the Report of the Committee of the whole House, on the Bill to incorporate the *Montreal* Board of Trade being read,

*Ordered* — That the said Order of the day be postponed until to-morrow.

Order of day for receiving report of Committee of whole on Devisee Law, postponed 'till to-morrow.

The Order of the day for receiving the Report of the Committee of the whole House, on the Bill to amend and consolidate the several Acts of the Legislature of *Upper Canada*, passed for the relief of persons claiming lands, under the nominees of the Crown, in cases where no patent hath issued for such lands, being read,

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*Ordered* — That the said Order of the day be postponed until to-morrow.

Order of day for Committee of whole on Timber Inspection Bill, postponed 'till to-morrow.

The Order of the day for the House in Committee, on the Bill to regulate the inspection and measurement of timber, masts, spars, deals, staves, and other articles, of a like nature, in the Ports of *Quebec* and *Montreal*, and for other purposes relative to the same, being read,

*Ordered* — That the said Order of the day be postponed until to-morrow.

Order of day for House in Committee of whole on Municipal Corporation Bill, postponed 'till to-morrow.

The Order of the day for the House in Committee, on the Bill to provide for the better internal government of that part of this Province heretofore *Upper Canada*, by the establishment of local or municipal authorities therein, and on the instruction given to the said Committee, being read,

*Ordered* — That the said Order of the day be postponed until to-morrow.

Order of day for Committee of whole on Census Bill postponed 'till to-morrow.

The Order of the day for the House in Committee, on the Bill to repeal certain parts of an Act therein mentioned, and to provide for taking a periodical census of the inhabitants of this Province, and for obtaining the other statistical information therein mentioned, being read,

*Ordered* — That the said Order of the day be postponed until to-morrow.

Order of day for second reading District Court Bill postponed 'till to-morrow.

The Order of the day for the second reading of the Bill to alter and amend the laws now in force in that part of this Province formerly *Upper Canada*, regulating the District Courts, being read,

*Ordered* — That the said Order of the day be postponed until to-morrow.

Order of day for Committee of whole on Public Lands Bill, postponed 'till to-morrow.

The Order of the day for the House in Committee, on the Bill for the disposal of Public Lands, being read,

*Ordered* — That the said Order of the day be postponed until to-morrow.

Order of day for House in Committee on Court of Chancery Bill, from L. C. postponed 'till to-morrow.

The Order of the day for the House in Committee, on the engrossed Bill from the Legislative Council, intituled "*An Act to explain and amend an Act passed in the Provincial Parliament of Upper Canada, in the seventh year of the Reign of King WILLIAM the Fourth, intituled 'An Act to establish a Court of Chancery in this Province,' and to render more effectual the said Court,*" being read.

*Ordered* — That the said Order of the day be postponed until to-morrow.

Order of day for 2nd reading Welland Canal Stock Bill postponed 'till to-morrow.

The order of the day for the second reading of the Bill to authorize the stock held by private parties in the Welland Canal to be purchased, on behalf of the Province, being read,

*Ordered* — That the said Order of the day be postponed until to-morrow.

Then, on motion of Mr. *Boswell*, seconded by Mr. *Thorburn*, The House adjourned.

Footnote — 12 August 1841.

1. No actual reports of the debate on the proceedings re: the St. Maurice election are available. Commentaries upon the proceedings are found in *BRITISH COLONIST*, 18 August 1841; *MONTREAL GAZETTE*, 16 August 1841. "The house was cleared so often, at the will and pleasure of Mr. Aylwin in opposition to the wishes of almost every other member of the House, that it is altogether impossible to give any thing connected of (sic) the proceedings. As a garbled statement therefore could be of no service to your readers, I shall merely give you the *on dits* and such cursory remarks, as the occasional and momentary audiences permitted by Mr. Aylwin, would admit of." reported the *BRITISH COLONIST*'s Kingston correspondent. The correspondent of the *MONTREAL GAZETTE* wrote approximately the same: "The examination of the Returning Officer was continued till a very late hour, and amidst numerous interruptions and objections, on which occasions the House was cleared of strangers. This got so irksome and disagreeable, that the great majority of strangers withdrew altogether."

**Friday, 13 August 1841.**

Motion for extending period for trial of 2nd riding of York contested election.

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Mr. *Black* moved, seconded by Mr. Attorney General *Draper*, That the time fixed by the Order of this House of the 23rd of

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June last, for taking into consideration the Petitions of Electors of the second riding of the County of *York*, and of *Connell James Baldwin*, Esquire, complaining of the undue election and return of *George Duggan*, Esquire, be extended until *Monday*, the 23d instant.

Amendment to above motion.

Mr. *Henry Smith* moved in amendment, seconded by Mr. *Baldwin*,

That all the words in the said motion after "That" be struck out, and the following substituted, "the number of members who have not serve on any Committee for the trial of controverted elections, during the present Session, is insufficient to fulfil the purposes of the Statute of the late Province of *Upper Canada*, passed in the Fourth year of the Reign of King *GEORGE* the Fourth, Chapter four, Section five.

Amendment carried.

The question having been put upon the motion of amendment, a division ensued, and it was carried in the affirmative.

Motion as amended carried.

The question being then put upon the main motion, as amended, it was agreed to by the House, and

*Resolved* accordingly.

*Petitions brought up.*

The following Petitions were severally brought up, and laid on the table : —

Peter Dunn & others.

By Mr. *Holmes* — The Petition of *Peter Dunn*, and others, the Committee of Management of the *Montreal Recollect* School Institution.

Thos. Renwick and others.

By Mr. *Prince* — The Petition of *Thomas Renwick*, and others, inhabitants of the *Western* District.

Rev. J. G. Geddes and others.

By Sir *Allan MacNab* — The Petition of the Reverend *J. G. Geddes*, and others, Ministers of the Church of *England* and *Scotland*, and the Methodist Church of *Barton, Gore* District.

William Walker, Chairman of Board of Trade of Quebec. M. B. Southwick and others.

By Mr. *Burnet* — The Petition of *William Walker*, Chairman of the Board of Trade of *Quebec*, and the Petition of *M. B. Southwick*, and others, residing in the Mountain of *St. Hilaire De Rouville*, District of *Montreal*.

Gaspé Fishery Bill read 3rd time and passed.

An engrossed Bill to regulate the fisheries in the District of *Gaspé*, was read for the third time.

*Resolved* — That the Bill do pass.

Bill sent to Legislative Council.

*Ordered* — That Mr. *Christie* do carry the said Bill to the Legislative Council and desire their concurrence.

Currency Bill read 3rd time and passed.

An engrossed Bill to regulate the currency of this Province, was read for the third time.

*Resolved* — That the Bill do pass.

Bill sent to the Legislative Council.

*Ordered* — That Mr. *Holmes* do carry the said Bill to the Legislative Council and desire their concurrence.

Haldimand Glass Works Bill read 3rd time and passed.

An engrossed Bill, to establish a Company to be called the "*Haldimand* Glass Works Company," was read for the third time.

*Resolved* — That the Bill do pass.

Bill sent to Legislative Council.

*Ordered* — That Mr. *Merritt* do carry the said Bill to the Legislative Council and desire their concurrence.



*Petitions read.*

Of Wm. Taylor and others.

Pursuant to the Order of the day the following Petitions were read ;  
Of *William Taylor*, and others, Freeholders of the county of *Kent*, praying for an aid for surveying and constructing a Turnpike road, in the said county.

Of Wm. Fletcher and others.

Of *W. Fletcher*, and others, inhabitants of *Bear Creek*, County of *Kent*, praying for an Act to prevent the felling of trees in the said Creek.

Of T. Sandilands and others.

Of *T. Sandilands*, and others, inhabitants of the District of *Wellington*, praying that the application to open a communication between the Townships of *Arthur* and *Sydenham*, and *Lake Ontario*, may not be granted without an inquiry.

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Of Elam Stinson and others.

Of *Elam Stinson*, and others, inhabitants of the *Gore*, and *Brock* Districts, praying for a charter for a joint Stock Company, to make a road in the said District.

Of Jacob Gardner and others.

Of *Jacob Gardner*, and others, of the Township of *Wilmot*, District of *Wellington*, praying that the Petition of the Magistrates of *Guelph*, for the extra tax for the erection of certain Public Buildings in the township of *Guelph*, may not be granted.

Of Jas. Coleman and others.

Of *James Coleman*, and others, of the village of *Dundas*, *Gore* District, praying for a Law to exempt the Fire Companies, organized in Towns not incorporated, from Militia and other duties.

Of Alpheus Todd.

Of *Alpheus Todd*, of *Toronto*, Deputy Librarian, to the Legislative Assembly, praying for a remuneration for his work on Parliamentary Law.

Of Reuben White, of Sidney.

Of *Reuben White*, of the township of *Sidney*, *Victoria* District, stating that certain property, and the sum of twenty-five dollars were taken from Petitioner's store, by *William Borne*, Esq., on the 15th of *December* 1837, and that he was confined in *Kingston* Goal, during fifteen days, and praying for relief.

Petition of James Coleman and others, referred.

*Ordered* — That the Petition of *James Coleman*, and others, of the village of *Dundas*, *Gore* District, be referred to the Select Committee to which was referred the Petition of the Fire Company, and of the Magistrates of the Town of *Brantford*.

*Ordered* — That Mr. *Dunscumb* be added to the said Committee.

Petition of Rev. Walter Roach and others, referred.

*Ordered* — That the Petition of the Rev. *Walter Roach*, and elders of the Scotch Church, at *Beauharnois*, presented to the House on the 10th instant, be referred to the Select Committee to which was referred the Bill to repeal certain Acts therein mentioned, and to make provision for the establishment of Common Schools, throughout this Province, and other references.

Committee on Petition of Ichabod Wing, present report.

Mr. *Morris*, from the Special Committee to which was referred the Petition of *Ichabod Wing*, of *Chatauqué*, in the State of *New York*, presented to the House the report of the said Committee ; which was again read at the Clerk's table, and is as followeth : —

Report on Petition of Ichabod Wing.

"That, from the evidence submitted to them by the Petitioner, they are led to believe that, being an Inhabitant of *Upper Canada* in 1813, he was seized in fee of Lots number 26, in the 5th and 6th Concessions of the Township of *Elizabethtown*, in the District of *Johnstown*.

That, being, in consequence of religious scruples, associated with the Society of Friends, he refused, from such scruples, to perform military duty, and was, in consequence thereof, imprisoned in the common Gaol of the District of *Johnstown*, at *Brockville*, when that place fell into the hands of the enemy, in the month of *February* in that year. That he was on that occasion, with other persons confined at the same time, taken prisoner by the enemy, and carried into the *United States*. That after his liberation from confinement, by the American authorities, he continued to reside in the *United States*, from an appre-

hension that if he returned he would be imprisoned for not performing military duty, as he had been before, that subsequently, by an inquisition taken by and under the Act of the Provincial Parliament of *Upper Canada*, 54 GEO : 3 Ch. 9., the Petitioner was found to have voluntarily withdrawn from the Province, and the said lands under the authority of that Act, became vested in the Crown, and were sold with the forfeited lands.

That the lands having been thus forfeited, in consequence of the omission of the Petitioner to traverse the inquisition within the time permitted by Law, and the lands having been therefore actual sold, your Committee cannot recommend to your Honourable House the

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granting the prayer of the Petition, as it could only be granted with the confiscation of the sale made of the lands on the behalf of the Public, and would therefore result in no practical benefit to the Petitioner, your Committee however think that the case of the Petitioner might be recommended to the favourable consideration of Her Majesty's Government with a view, if upon fuller enquiry it should be found that his lands had not been legally liable to forfeiture under the provisions of the Act, some compensation in land, or otherwise, might be made for the property thus sold by Public Auction."

Mr. Morris, moved, seconded by Mr. Baldwin,

That the said Report be referred to a Committee of the whole House, on *Tuesday* next.

The question having been put upon the said motion, a division ensued, and it passed in the negative.

Motion for referring  
Report to Com.  
of whole, on Tuesday  
next.  
Lost

Return presented of  
dismissal of R. Berrie,  
Esq.

The Honourable *S. B. Harrison*, presented, pursuant to an Address of the House of Assembly, of the eleventh instant, a return on the subject of the dismissal of *Robert Berrie*, Esquire, from the Office of Clerk of the Peace, for the District of *Gore*.

For said Return see Appendix (Y.)

The Honourable *S. B. Harrison*, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency, the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered, and is as followeth : —

SYDENHAM,

The Governor General recommends to the House of Assembly to make provision for ascertaining and liquidating all just claims in that part of the Province formerly called *Lower Canada*, arising out of the Rebellions and Invasions, in that part of the Province.

Kingston, 13th August, 1841.

Message from His  
Excellency the Gov.  
General.

Mutual Insurance  
Amend. Bill reported  
and read first time.

Mr. *Hincks*, from the select Committee to which were referred the Resolutions of this House, of the twenty eighth of *July* last, relative to the establishment of Mutual Insurance Companies, with power to report by Bill or otherwise, presented to the House a Bill to amend an Act of the Parliament of the late Province of *Upper Canada* intitled "*An Act to authorize the establishment of Mutual Insurance Companies in the several Districts of this Province*" which was received and read for the first time.

Second reading Mon-  
day next.

Ordered — That the said Bill be read a second time on *Monday* next.

Second report of  
Banking Committee  
presented.

Mr. *Hincks*, from the select Committee on Currency, and Banking, with power to report, from time, to time, presented to the House the second report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

2nd Report of Com.  
on Banking.

"Your Committee on looking in the Act granting a charter to the Bank of *Upper Canada* find it to provide expressly "*that the said Bank*

"shall be established and the building necessary for the accommodation thereof erected, purchased, or leased, and the business thereof at all times hereafter transacted at such place at the seat of Government of this Province as the Directors or a majority of them may appoint."

The said Bank was established at *Toronto*, the seat of Government of the late Province of *Upper Canada*, and the Directors are desirous that its principal place of business should remain there.

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Your Committee have, therefore, thought it expedient, under the circumstances, to prepare the draft of a Bill to repeal the above provision, and provide that the said Bank shall be and remain permanently established at the City of *Toronto*, notwithstanding the assemblage of the Legislature at any other place; which Bill they beg respectfully to recommend for the adoption of Your Honourable House."

*Resolved* — That the said report be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. *McLean* took the chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. *McLean* reported that the Committee had come to a Resolution; which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth: —

*Resolved* — That it is expedient to amend the Law incorporating the Bank of *Upper Canada*, so as to enable that Institution to carry on its business at the City of *Toronto*.

*Ordered* — That Mr. *Hincks* have leave to bring in a Bill to permit the business of the Bank of *Upper Canada* to be carried on in *Toronto* as usual.

He accordingly presented the said Bill to the House and the same was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Monday* next.

On motion of Mr. *Cartwright*, seconded by Mr. *Smith*.

*Resolved* — That an humble address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House copies of all despatches, from Her Majesty's Government, to the Executive of this Province, on the subject of the naturalization of Aliens; and also copies of the despatches which may have been addressed by the Provincial Government to the Colonial Secretary, on the same subject, and all other documents relative thereto.

*Ordered* — That the said Address be presented to His Excellency by such Members of this House as are of the Honourable the Executive Council of this Province.

*Ordered* — That Mr. *McCulloch* have leave to bring in a Bill to regulate the practice of Medicine, Surgery, and Midwifery, within this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Monday* next.

On motion of Mr. *Gilchrist*, seconded by Mr. *Williams*,

*Ordered* — That the Order of the day for the House in Committee on the Bill to regulate the inspection and measurement of timber, masts, spars, deals, staves, and other articles of a like nature, in the Ports of *Quebec* and *Montreal*, and for other purposes relative to the same, be postponed until *Monday* next.

House goes into Com.  
on second report of  
Com. on Banking.

Resolution reported  
by Com. of whole.

U. C. Bank relief  
bill brought in and  
read 1st time.

Second reading Mon-  
day next.

Address to be sent to  
His Excellency the  
Governor General for  
copies of despatches  
on subject of natura-  
lization of Aliens.

Physic and Surgery  
Bill brought in and  
read 1st time.

Second reading on  
Monday next.

Order of the day for  
Com. of whole on the  
Bill for the Inspection  
of Timber, &c., post-  
poned 'till Monday  
next.



Amendments reported to Montreal Board of Trade Bill, and agreed to.

Bill to be engrossed.

Mr. *Williams*, from the Committee of the whole House, on the Bill to incorporate the *Montreal* Board of Trade, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table and agreed to by the House.

*Ordered* — That the said Bill, as amended, be engrossed.

Mr. *Crane*, from the Committee of the whole House, on the Bill to

Amendment to Simcoe Gaol and Court House Bill, reported and agreed to.

Bill to be engrossed.

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increase the sum which may be raised under a certain Act therein mentioned, for defraying the cost of certain public buildings, in the County of *Simcoe*, reported, according to order, the amendment made by the Committee to the said Bill, which amendment was again read at the Clerk's table, and agreed to by the House.

*Ordered* — That the said Bill, as amended, be engrossed.

Amendments to Heir and Devisee Bill reported and agreed to.

Bill ordered to be engrossed.

Mr. *Armstrong*, from the Committee of the whole House, on the Bill to amend and consolidate the several Acts of the Legislature of *Upper Canada*, passed for the relief of persons claiming lands under the Nominees of the Crown, in cases where no Patent hath issued for such lands, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

*Ordered* — That the said Bill, as amended, be engrossed.

Order of day for receiving report of Com. of whole on Speaker's Salary postponed 'till Monday next.

The Order of the day for receiving the Report of the Committee of the whole House, to take into consideration the propriety of providing for the payment of an annual salary to the Honourable the Speaker of this House, being read,

*Ordered* — That the said Order of the day be postponed until *Monday* next.

House proceeds in the contested election for the County of *St. Maurice*.

The Order of the day for taking into further consideration the Petition of divers electors of the County of *St. Maurice*, complaining of the undue return of *Joseph Edouard Turcotte*, Esquire, as a member for the said County, being read.<sup>1</sup>

The names of the members sworn to try the merits of the Petition being called over, the following were found absent, viz : —

Mr. *Cameron*,  
Mr. *Holmes*,  
Mr. *J. S. Macdonald*,  
Mr. *Moffatt*,  
Mr. *Roblin*.

The Counsel for the Petitioners being called,

Mr. *Gugy* again appeared at the Bar.

The witnesses were then desired by Mr. Speaker to withdraw.

*Charles Z. Mailhot*, Esquire, was again called in and examined.

The House took into consideration the question proposed yesterday, by Mr. *Gugy*, to the witness, *Charles Mailhot*, and it was then —

*Resolved* — That the said question was inadmissible.

Mr. *Gugy* then proposed to the said witness the following question :

No. 62, Ques. — Have you ever had any conversation with the said *Joseph Edouard Turcotte*, Esquire, relating to his qualification, and if you have had, please to state the purport of it ?

This question was then objected to ; and after having heard Mr. *Gugy*, the Counsel of the Petitioners, it was —

*Resolved* — That the said question was inadmissible.

Mr. *Mailhot* then withdrew.

The Counsel for the Petitioners also withdrew.

Sir *Allan MacNab* moved, seconded by Mr. *Delisle*, That the following Question be put to the Counsel for the Petitioners.

Whether the House understood the Counsel correctly, in supposing that he had, in his opening Address, stated that he was not, on behalf of the Petitioners, prepared with evidence on that part of the case, referring to the qualification of the sitting Member?

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The question having been put upon the said motion, a division ensued and it passed in the negative.

Mr. *Simpson* moved, seconded by Mr. *McLean*, That the further consideration of the Petition of divers Electors of the County of *Saint Maurice*, be postponed until *Monday* next and then resumed.

Mr. *Durand* moved, in amendment, seconded by Mr. *Borne*, that the words "*Monday* next" be struck out of the said motion, and the words "*to-morrow at Ten o'clock A. M.*" be substituted.

The question being put upon the motion of amendment, a division ensued, and it was carried in the affirmative.

The question being then put on the main motion, as amended, it was agreed to by the House and —

*Resolved* — That the further consideration of the Petition of divers Electors of the County of *St. Maurice*, be postponed until to-morrow, at Ten o'clock A. M. and then resumed.

On motion of the Honorable Mr. *Neilson*, seconded by Mr. *Borne*,

*Ordered* — That the Order of the day for the House in Committee to consider the expediency of addressing His Excellency, the Governor General, to grant a free pardon for all offences committed during the late political disturbances, in *Upper and Lower Canada*, be postponed, until *Wednesday* next.

On motion of Mr. *Morris*, seconded by Mr. *Powell*,

*Ordered* — That the Order of the day for the House in Committee on the Report of the Special Committee to which was referred the Return to an Address of the sixth of *July* last, from this House, to His Excellency, the Governor General, relative to the claim of *Christopher Leggo* of *Brockville*, be postponed until *Wednesday* next.

*Ordered* — That when this House doth adjourn it will adjourn until to-morrow at Ten o'clock, A. M.

On motion of Mr. *Dunscorn*, seconded by Mr. *Morin*,

*Ordered* — That the Order of the day for the House in Committee on the Bill to authorize the North American Colonial Association of Ireland, to loan monies and to prosecute certain public works in the County of *Beauharnois*, be postponed until *Wednesday* next.

On motion of Mr. *Baldwin*, seconded by Mr. *Durand*,

*Ordered* — That the Order of the day for the House in Committee on the Bill the better to provide for the freedom of Elections, throughout this Province, and for other purposes therein mentioned; and on the Bill to provide for the enregistration of persons entitled to vote at the Elections of Members of the Legislative Assembly of this Province, and to make better provision for the holding of such Elections, be postponed until *Monday* next, and that it be then the first Order of the day.

On motion of Mr. *Christie*, seconded by Mr. *Borne*,

*Ordered* — That the Order of the day for the House in Committee on the Bill to make more ample provision than heretofore for the due administration of Justice in the territorial division of *Gaspé*, be postponed until *Monday* next.

Saint Maurice Election trial to be resumed at 10 A.M. To-morrow.

Order day for Committee of whole on addressing His Ex. on Free Pardon for Political Offences postponed 'till Wednesday next.

Order of day for Committee of whole on report of Special Committee on claim of Chris. Leggo, postponed 'till Wednesday next.

House to adjourn 'till To-morrow at 10 o'clock, A. M.

Order of day for Committee of Whole on N. A. C. Association of Ireland Bill postponed 'till Wednesday next.

Order of day for Committee of whole on Election Bill to be first item on Monday next.

Order of the day for Committee of whole on Judicature Bill of Gaspé, postponed 'till Monday next.

Order of day for Committee of whole on Administration of Justice in Magdaline Island's, Bill postponed 'till Monday next.

On motion of Mr. *Christie*, seconded by Mr. *Borne*,  
*Ordered* — That the Order of the day for the House in Committee on the Bill to provide temporarily, for the administration of Justice in the *Magdalen Islands*, in the Gulf of *Saint Lawrence*, be postponed until *Monday next*.

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Second reading Etobicoke Macadamized Road Bill, postponed 'till Wednesday next.

On motion of Mr. *Price*, seconded by Mr. *Morris*,  
*Ordered* — That the Order of the day for the second reading of the Bill to Incorporate certain persons therein mentioned, for the purpose of making a Macadamized road from *Dundas Street* to the *River Humber*, in the Township of *Etobicoke*, be postponed until *Wednesday next*.

Then on motion of Mr. *Dunscornb*, seconded by Mr. *Boswell*,  
 The House adjourned.

Footnotes — 13 August 1841.

1. Comments about the proceedings on the St. Maurice election were reported in: MONTREAL GAZETTE, 16 August 1841; LE CANADIEN, 18 August 1841. The only actual reports of the debate are found in the MONTREAL GAZETTE: "Colonel Prince ... began to address the House in reply to an insinuation which had fallen from Mr. Turcotte, that he (Col. Prince,) had told him he had left town, with a view to rid himself of managing the present case; but as this would have led to an unpleasant discussion, in which Mr. Turcotte might have suffered, the House was cleared of strangers at the request of Mr. Aylwin." The other piece of information was: "A good laugh was caused ... when the Members sworn in the previous day were called over, and among others Messrs. Cameron and Roblin were found wanting. Mr. Johnston moved that the Sergeant at Arms, or his Deputy, do forthwith proceed to the Temperance Meeting, and take the delinquents into custody. The Speaker did not seem to attend to the motion, after it had been put into his hands." The commentaries on the day's proceedings are similar to those on the 12th of August 1841. The MONTREAL GAZETTE's correspondent noted: "The same numerous interruptions and clearing the House of strangers occurred throughout the whole evening — so that little good was to be obtained by remaining about the House." LE CANADIEN's correspondent wrote: "La plus grande partie de la séance d'hier a été employée à l'affaire de l'élection de St. Maurice. Il n'est pas besoin de vous dire que presque tout le temps de la Chambre a été consumé en discussions interminables sur la pertinence ou non-pertinence des questions posées, et sur mille points de procédés qu'il serait trop long de rapporter."



# Saturday, 14 August 1841.

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*Petitions read.*

Of Sister M. M. Huot.

Pursuant to the Order of the day, the following Petitions were read.  
Of Sister *M. M. Huot*, Superior of the Hospital of *St. Hyacinthe*, County of *St. Hyacinthe*, praying for a grant of one hundred pounds, towards the Support of the said Hospital.

Of Chas. Currie and others.

Of *Charles Currie*, and others, of the Gore of *Chatham*, County of the *Lake of Two Mountains*, praying for an Act for the promotion of Education throughout the Province.

Of Rev. William Muir and others.

Of the Reverend *William Muir*, and others, of the Townships of *Chatham*, and of *Grenville*, praying that the Sacred Scriptures may be used as a Class Book in all the Schools in the Province.

Of Charles Smyth, Esq.

Of *Charles Smyth*, Esquire, of the City of *Albany*, State of *New York*, Merchant, complaining of the illegal seizure of a large quantity of Tobacco, and praying relief.

Rear Ad. Vansittart and others.

Of Rear Admiral *Henry Vansittart*, and others, the Committee of management, of the "Woodstock Mechanic's Institute" praying for a grant of one hundred pounds towards the support of the said Institute.

Of James Black and others.

Of *James Black*, and others, of *Quebec*, praying for an Act to extend the provisions of the Ordinance of the late Special Council to provide for the improvement of certain roads in the vicinity of *Quebec*.

Petition of C. Smyth referred to Select Committee.

On motion of Mr. *Henry Smith*, seconded by Mr. *Delisle*,  
*Resolved*—That the Petition of *Charles Smyth*, of the City of *Albany*, State of *New York*, Merchant, be referred to a Select Committee, composed of the Honourable Mr. *Harrison*, the Honourable Mr. *Viger*, Mr. *Morin*, and Mr. *Morris*, to examine the contents thereof, and report thereon with all convenient speed, by Bill or otherwise ; with power to send for persons, papers, and records.

Petition of Alpheus Todd referred to Contingent Committee.

*Ordered*—That the Petition of *Alpheus Todd*, of the City of *Toronto*, Deputy Librarian to the Legislative Assembly, presented to the House on the *eleventh* instant, be referred to the Special Committee on the Contingent Accounts and expenses of the present Session.

Petition of C. H. Morgan and others, referred to Select. Com.

On motion of Mr. *Boswell*, seconded by Mr. *Williams*,  
*Resolved*—That the Petition of *Charles H. Morgan*, and others, Inhabitants of the County of *Northumberland*, in the *Newcastle*, District, presented to the House on the *sixth* instant, be referred to a Select Committee, composed of the Honourable Mr. *Killaly*, Mr. *Gilchrist*, Mr. *Roblin*, and Mr. *Parke*, to examine the contents thereof, and report thereon with all convenient speed, by Bill or otherwise ; with power to send for persons, papers and records.

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The Order of the day for taking into further consideration the Petition of divers electors of the County of *St. Maurice*, complaining of the undue return of *Joseph Edouard Turcotte*, Esquire, as a Member for the said County, being read.<sup>1</sup>

The names of the Members sworn to try the merits of the Petition being called over, the following were found absent, viz :—

Mr. <i>Buchanan</i> ,	The Hon. Mr. <i>Harrison</i> ,	Mr. <i>Roblin</i> ,
Mr. <i>Cameron</i> ,	Mr. <i>J. S. Macdonald</i> ,	Mr. <i>Simpson</i> ,
Mr. <i>Gilchrist</i> ,	Mr. <i>McLean</i> ,	Mr. <i>Yule</i> .

Members absent on  
St. Maurice contested  
Election.

Mr. Guly addresses the House in behalf of Petitioners.

The Council for the Petitioners, being called, Mr. Guly, again appeared at the Bar.

The Witnesses were then desired by Mr. Speaker to withdraw.

After which Mr. Guly, addressed the House on behalf of the Petitioners.

Mr. Prince, moved, seconded by Sir Allan MacNab,

Motion for postponing Trial.

That the further consideration of this trial be postponed until *Wednesday* next, at four o'clock, P. M., and that the Clerk of this House be directed to furnish the Counsel for the Petitioners, forthwith, with a copy of the evidence taken.

Amendment proposed that Counsel be heard in reply.

Mr. Christie, moved in amendment, seconded by Mr. Aylwin,

That all the words in the said motion after "that" in the first line, be struck out, and the following substituted, "The Counsel for the Petitioners having declared their case closed, and the sitting Member in like manner having closed his case, the Counsel be now heard in reply on the case of the Petitioners."

The question having been put upon the motion of amendment, a division ensued, and the names being called for they were taken down as followeth : —

## YEAS.

<i>Armstrong,</i>	<i>Child,</i>	<i>Morin,</i>	<i>Small,</i>
<i>Aylwin,</i>	<i>Christie,</i>	<i>Morris,</i>	<i>Steele,</i>
<i>Baldwin,</i>	<i>Cook,</i>	<i>Neilson,</i>	<i>Taché,</i>
<i>Barthe,</i>	<i>Durand,</i>	<i>Parent,</i>	<i>Thompson,</i>
<i>Borne,</i>	<i>Hincks,</i>	<i>Price,</i>	<i>Viger, Hon. D.B.</i>
<i>Boutillier,</i>	<i>Hopkins,</i>	<i>Raymond,</i>	(23).

## NOES.

<i>Black,</i>	<i>Derbshire,</i>	<i>MacNab, Sir A. N.</i>	<i>Quesnel,</i>
<i>Boswell,</i>	<i>De Salaberry,</i>	<i>McCulloch,</i>	<i>Robertson,</i>
<i>Burnet,</i>	<i>Draper, Hon. W.H.</i>	<i>Moffatt, Hon. G.</i>	<i>Smith, (Front.)</i>
<i>Chesley,</i>	<i>Duggan,</i>	<i>Ogden, Hon. C. R.</i>	<i>Smith, (Went.)</i>
<i>Crane,</i>	<i>Foster,</i>	<i>Parke,</i>	<i>Thorburn,</i>
<i>Delisle,</i>	<i>Johnston,</i>	<i>Powell,</i>	<i>Williams. — 24.</i>

Amendment lost.  
Another amendment proposed.

So it passed in the Negative.

Sir Allan MacNab then moved, in amendment, to the main motion, seconded by the Honourable Mr. Ogden,

That all the words in the said motion after "that", in the first line, be struck out, and the following substituted, "this House do now proceed to the farther examination of the Returning Officer or other witnesses, if the House should be so advised, and that delay until Monday next (after the consideration of the Petitions on the contested election for the second riding of the County of York) be granted to the Counsel of the Petitioners for addressing this House finally on the merits of the case."

The question having been put on this motion of amendment it passed unanimously in the Negative.

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The question being then put on the main motion it also passed unanimously in the Negative.

*Joseph Eustache Sicard De Carufel*, Esquire, was again called in and examined.

*Eustache Sicard De Carufel*, Esquire, again appeared at the Bar of the House and was interrogated as follows : —

No. 63, Ques. — In what language did the sitting Member read, or pretend to read, the declaration of qualification from the Union Act. — Ans. In the English Language.

No. 64, Ques. — Did you understand that language, or have you sufficient knowledge of the English language to certify under Oath that,

Examination of Returning Officer proceeded in.

that declaration was made in conformity with the statute ? — Ans. — No. — I do not understand English sufficiently well for that.

No. 62, Ques. — Do you mean to say that the declaration was not in fact conformable to the statute ? — Ans. — I cannot say whether it was or was not.

No. 66, Ques. — Did Colonel *Gugy*, at the close of the Poll, require you to proclaim him as duly elected, and did he protest verbally, or otherwise against your refusing so to do ? — Ans. — He required me, verbally, to proclaim him elected ; and he then delivered me a protest to the same effect, which is annexed to the Poll Book.

No. 67, Ques. — When did you hear Colonel *Gugy* object to the manner in which the sitting Member read the declaration of qualification ? Ans. — The first day at the Hustings.

No. 68, Ques. — Mr. *Johnston* wishes to know why or for what cause the military were sent for, was it at the request of the Returning Officer or the unsuccessful candidate ? — Ans. — Because there were disturbances on the first day, and my life was in danger from the threats used by the sitting Member and his partizans. — The Troops were required by the several Magistrates, subjects of Her Majesty, and by myself.

No. 69, Ques. — Whose partizans, at the said election, were those who joined you in requiring the troops ? — Ans. — I do not know them all. There was Mr. *Boucher*, the elder, Mr. *Bazin*, *Antoine Picotte*, and several others, whose names I cannot recollect — those I have mentioned were partizans of Mr. *Gugy*.

Motion, that Speaker  
do leave the chair  
for one hour, lost.

Mr. *Morris* moved, seconded by Mr. *Boswell*,

That the Speaker do leave the chair for one hour.

The question being put upon the said motion a division ensued, and it passed in the negative.

The taking of the evidence was then continued.

No. 70, Ques. — You have said that the sitting member read the the twenty-eighth section of the Union Act : How do you know that he did so, if you do not understand English ? — Ans. — Because the sitting member himself caused it to be entered in the Poll Book that he had done so.

No. 71, Ques. — After the sitting member had made the declaration of which you granted him acte. Did Mr. *Gugy* object to the said declaration and in what way ? — Ans. — After the sitting member had read his declaration Mr. *Gugy* presented his to me in writing, telling me to require the same from the sitting member. I then required the sitting member to do so, and he replied that he had done enough.

No. 72, Ques. — Did Mr. *Gugy* then assert that Mr. *Turcotte* had not read the declaration ; or did he confine himself to requiring that

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it should be made in writing ? — Ans. — Mr. *Gugy* said nothing at that time except what I have just stated. He complained of the reading.

No. 73, Ques. — Were any threats used towards you signifying or implying that any and what injury would be done you if you did not return the sitting member, other than bodily injury ?

This question was objected to, and —

*Resolved* — That the said question is not pertinent.

Mr. *Boswell* moved, seconded by Mr. *Morris*,

That the speaker do leave the chair for one hour.

The question having been put upon the said motion a division ensued, and it passed in the negative.

The taking of the evidence was again continued.

No. 74, Ques. — You say that you saw no blows actually struck, yet that you feared for your life, what was the causes of this fear ? — Ans. — After the Poll was opened I wished to take the votes in the

Examination of  
Returning Officer  
proceeded in.

Motion, for Speaker  
to leave the chair  
for one hour lost.



public room, the place which I had assigned for that purpose, the sitting member opposed my doing so. In consequence of this I took seven votes in the open air and then directed that they should be taken in the house. Mr. *Turcotte* then said to his people, "they want to do you injustice," about *two hundred* people immediately passed over the hustings in order to get into the room, yelling, swearing and breaking the boards of the Hustings. Mr. *Turcotte* said to me, "you see that my people are getting violent, come and take the votes out of doors, if you do not obey my orders you will be the cause of blood being spilt." I found myself immediately afterwards surrounded by the sitting member and his partizans. One called out — "Take the votes or I'll kill you," another said, "Take the votes or I'll blow your brains out," some of them threatened me with sticks. In consequence of those threats and the disturbance which then existed, I determined to adjourn the Poll. The sitting member said to me "open the Poll or I'll have you torn in pieces." He told me a second time to open the Poll, and that if I did not he would not answer for my life. I got out of the place as well as I could, and when I was outside I heard the sitting member say to his partizans, that I had run away, that I had not done my duty, but that he would make me do it the next day, whether I would or not. As I believed that I had done my duty, and was afraid that the next day the sitting member would make me do something unjust, and as his partizans seemed disposed to be riotous, and he appeared to excite them to be so, and I could not continue the election without having a sufficient force, we sent for the troops.

No. 75, Ques. — What o'clock was it when the electors took possession of the Poll in the manner you have described? — Ans. — I believe I have already answered this question. I cannot recollect exactly, but this took place at or near half-past one, and lasted about half or three quarters of an hour.

No. 76, Ques. — What were the dimensions of the Hustings? — Were they entirely destroyed, or partially damaged, and if the latter, what part was damaged? — Ans. — The whole front of the Hustings. They were about twelve feet long by five feet wide.

Motion for adjournment.

Mr. *Thorburn* moved, seconded by Mr. *Johnston*,

That the House do adjourn until five o'clock, P. M., this day.

The question having been put upon the said motion a division ensued, and the names being called for, they were taken down as followeth: —

## YEAS.

<i>Boutillier,</i>	<i>Cook,</i>	<i>Duggan,</i>	<i>Hopkins,</i>
<i>Child,</i>	<i>Crane,</i>	<i>Durand,</i>	<i>Johnston,</i>
(344)			
<i>McDonald, (Pres.)</i>	<i>Parke,</i>	<i>Smith, (Went.)</i>	<i>Thorburn,</i>
<i>Morin,</i>	<i>Robertson,</i>	<i>Thompson,</i>	<i>Williams. — 17.</i>
<i>Neilson,</i>			

## NOES.

<i>Armstrong,</i>	<i>Cartwright,</i>	<i>MacNab, Sir A.N.</i>	<i>Price,</i>
<i>Baldwin,</i>	<i>Christie,</i>	<i>McCulloch,</i>	<i>Quesnel,</i>
<i>Barthe,</i>	<i>Delisle,</i>	<i>Moffatt, Hon. G.</i>	<i>Raymond,</i>
<i>Black,</i>	<i>Derbshire,</i>	<i>Ogden, Hon. C. R.</i>	<i>Steele,</i>
<i>Borne,</i>	<i>De Salaberry,</i>	<i>Parent,</i>	<i>Taché,</i>
<i>Boswell,</i>	<i>Foster,</i>	<i>Powell,</i>	<i>Viger, Hon. D.B.</i>
<i>Burnet,</i>	<i>Hincks,</i>		26.

Motion for adjournment lost.

So it passed in the negative.

The taking of the evidence was again continued.

Examination of Returning Officer proceeded in.

No. 77, Ques. — Do you mean to say that you do not understand English at all — or that you understand it only imperfectly? — Ans. — I understand only a few words.

No. 78, Ques. — In what language was your Commission written ? — If it were in English did you understand its contents ? Ans. — It was in English but I got it translated into French.

No. 79, Ques. — Who translated your Commission for you ? — Name the persons — Ans. — Mr. *Ovide Benjamin Peltier*.

No. 80, Ques. — Was there any doubt in your mind that the declaration which Mr. Turcotte read at the time of election, was the declaration by law required of persons eligible to a seat in the Assembly, and candidate therefor ? — Ans. — I have no doubt that this declaration is the declaration required by the Law ; but I have some doubts as to the manner in which it was read.

No. 81, Ques. — As you did not understand the language in which the sitting member read, what made you suppose it was the declaration required by law ? — Ans. — Because I thought that, although I do not understand English, the sitting member ought to have addressed himself to me to read it ; on the contrary, he went to a distance from me, to the other end of the Hustings, to read it, and as there were several persons between him and me, I was unable to hear him. I must add, that at the moment the partizans of both candidates were making a great deal of noise.

The question being again read to the witness, he added : — Ans. — Because the sitting member caused an entry to be made on the Poll Book that he had read the declaration on the Hustings.

No. 82, Ques. — Have you any knowledge that the sitting member made the declaration that he did not collusively or colourably obtain a title to, or come possessed of lands and tenements, or any part thereof, for the purpose of qualifying or enabling himself to be returned a member of the Legislative Assembly of the Province of *Canada* ? — Ans. — When the sitting member offered himself as a candidate, it was notorious that he was not qualified ; and I have heard it said that he had received a gift of a lot of land worth about £500, but which was subject to a life rent of £40.

The question being again read to the witness, he answered : Ans. — No.

No. 83, Ques. — When the sitting member took the copy of the Union Act from you, did he tell you what use he meant to make of it ? — Ans. — No ; he snatched it out of my hands without saying for what purpose.

No. 84, Ques. — When the sitting member read the declaration, was your clerk, Mr. *Peltier*, present ? Does not that gentleman understand *English* ; and did he not follow the sitting member when the latter was

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reading ? Ans. — I cannot say whether he was present, but I know that he understood *English* well.

Mr. *De Carufel* then withdrew.

Mr. *Neilson* moved, seconded by Mr. *Boswell*,

That the House do now adjourn.

The question being put upon the said motion, a division ensued, and it was carried in the affirmative, and —

The House accordingly adjourned until *Monday* next.

1. Like the days preceding it, the 14th of August was spent in discussing the St. Maurice election proceedings. LE CANADIEN, 18 August 1841, reported : "La Chambre a siégé depuis dix heures du matin jusqu'à quatre heures et demie, n'ayant entendu que M. Carufel." The rest of its report is a commentary on the day's proceedings.

**Monday, 16 August 1841.**

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Mr. Speaker communicated to the House the following letter : —

KINGSTON, 16th AUGUST, 1841.

His Excellency will  
assent to certain Bills  
to-morrow.

SIR, — I am commanded by the Governor General to inform you that it is His Excellency's intention to proceed to the Legislative Council Chamber to-morrow, at half past two o'clock, to assent, in Her Majesty's name, to certain Bills passed by the Legislative Council, and House of Assembly.

I have the honour to be,

Sir,

Your most obedient humble servant,

J. W. C. MURDOCK,  
Chief Secretary.

The Hon. the Speaker of the }  
House of Assembly,

House to adjourn 'till  
to-morrow, at 2, P.M.  
Message from Legis-  
lative Council.

*Ordered* — That when this House doth adjourn, it will adjourn until to-morrow, at two o'clock, P. M.

A Message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery.

MR. SPEAKER,

The Legislative Council have passed the following Bills, without any amendment : —

Sherbrooke Rail Road  
Bill passed.

"*An Act to amend a certain Ordinance of the Legislature of Lower Canada, for making a Rail Road from Sherbrooke to the River Richelieu.*"

Scriptures duty  
exemp. Bill passed.

"*An Act to exempt from duty all copies of the Holy Scriptures, imported into this Province by sea.*"

And also,

The Legislative Council have passed the following Bills, with several amendments, to which they desire the concurrence of the Assembly.

Marriage Bill amended  
by Leg. Council.

"*An Act to enable the Ministers of all denominations of Christians to solemnize marriage under certain restrictions.*"

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Societies Lands Bill,  
and Magistrates Fines  
Bill, also passed with  
amendments.

"*An Act to enable Religious Societies of all denominations of Christians, to hold the lands requisite for certain purposes therein mentioned,*" and

"*An Act to require Justices of the Peace to make Returns of convictions and fines, and for other purposes therein mentioned.*"

And also,

LEGISLATIVE COUNCIL, THURSDAY, 12th AUGUST 1841.

Legislative Council  
have passed address  
to His Excellency to  
transmit Petitions to  
Her Majesty, &c.

*Ordered* — That the Master in Chancery do go down to the Legislative Assembly, and acquaint that House that the Legislative Council have passed an Address to His Excellency, the Governor General, praying that His Excellency will be pleased to transmit the Petitions of both Houses, to Her Majesty, and the two Houses of the Imperial Parliament, on the subject of the Timber Duties, to which Address they desire the concurrence of the Assembly.



(The address is as follows :)

To His Excellency, the Right Honourable CHARLES BARON SYDENHAM, of *Sydenham*, in the County of *Kent*, and *Toronto*, in *Canada*, one of Her Majesty's Most Honourable Privy Council, Governor General of *British North America*, and Captain General, and Governor in Chief, in and over the Provinces of *Canada*, *Nova Scotia*, *New Brunswick*, and the Island of *Prince Edward*, and Vice Admiral of the same, &c. &c. &c.

Address.

MAY, IT PLEASE YOUR EXCELLENCY,

We, Her Majesty's dutiful and loyal subjects, the Legislative Council, and Assembly, of the Province of *Canada*, have agreed upon Joint Petitions to Her Most Gracious Majesty and to the Lords and Commons of the United Kingdom, in relation to a proposed alteration of the duties heretofore long established, and now existing, on the introduction of Foreign and Colonial Timber, and Deals, into Her Majesty's Home Dominions; and we now most respectfully present the said Petitions to Your Excellency, humbly requesting that Your Excellency would be pleased to transmit them to Her Majesty's Secretary of State for the Colonial Department, praying that the Petition to Her Majesty may be laid at the foot of the Throne, and that the several Petitions to the Right Honourable the House of Lords, and the Honourable the House of Commons, may be submitted to them respectively.

ROBERT S. JAMESON,  
Speaker of the Leg. Council.

Legislative Council Chamber, }  
12th day of August, 1841. }

And then he withdrew.

The Honourable *S. B. Harrison*, one of Her Majesty's Executive Council, delivered to Mr. Speaker, a Message from His Excellency, the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered, and is as followeth : —

SYDENHAM,

Message from H. E.  
the Governor General  
on Salaries and  
Pensions.

The Governor General transmits to the House of Assembly an estimate of salaries for the various Officers of the two Houses of Parliament, as well as of retiring allowances to Officers of the late Houses

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of *Upper* and *Lower Canada*, whose services have been unavoidably dispensed with — All which he recommends to their consideration.

In framing the estimate for the salaries of Officers, for the Legislative Council, His Excellency has been guided by the wishes expressed by that body, that their establishment should be provided for as much as possible by annual vote, and not, as heretofore, mainly defrayed out of contingences, which does not afford the same specific information as to the items of expence to the Public.

In submitting the estimate for the House of Assembly, the Governor General has followed the precedent of the House of Assembly of *Lower Canada*, with regard to the Officers to be paid by annual vote, or from the contingencies, not having been made aware of the wishes of the House, but he will be happy to adopt any alteration in this respect, which the House of Assembly may desire, and to give to it the recommendation of the Crown.

Government House Kingston, }  
16th August 1841. }

Estimate of Salaries  
and Pensions to  
Officers of the Legis-  
lature.

*Estimate of Salaries to be granted to the Officers of the Legislative Council, and Assembly, of the Province of Canada, and of Pensions to the late Officers of the Legislative Councils and Assemblies, of the Provinces of Upper and Lower Canada, whose services have been discontinued.*

SALARIES,  
LEGISLATIVE COUNCIL.

Speaker, .....	£ 1,000
Clerk, .....	500
Two Clerks Assistant at £300 each, .....	600
First Clerk of Committee to act as Law Clerk and English Translator, .....	250
Master in Chancery, .....	100
Gentleman Usher of the Black Rod, .....	100
Sergeant at Arms, .....	100
Chaplain to act as Librarian, .....	200
Door Keeper, .....	60
Head Messenger to take charge of the House, .....	100
Three Messengers to serve during the Session and eight days after its close at £45 each, .....	135
	<hr/> £ 3,145.

SALARIES,  
HOUSE OF ASSEMBLY.

Speaker, .....	£ 1,000
Clerk, .....	500
Assistant Clerk, .....	400
English Translator to perform duties of Law Clerk, .....	350
French Translator, .....	250
Sergeant at Arms, .....	100
Clerk of the Crown in Chancery .....	150
	<hr/> £ 2,750

Estimate of Salaries  
and Pensions to  
Officers of the  
Legislature.

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PENSIONS,  
LEGISLATIVE COUNCIL.

Names of Officers.	Office which he held.	Amount of Salary.	Proportion of Salary.	Amount of Pension.
		Cy.		
W. Smith,	Clerk <i>Lower Canada</i> ,	500	2 thirds.	£ 333 6 8
do.	Master in Chancery,	90	do.	60 0 0
C. DeLèry,	Assistant Clerk,	400	do.	266 13 4
J. Voyer,	Clerk of Committees,	250	do.	166 13 4
W. Ginger,	Sergeant at Arms,	100	do.	66 13 4
L. Moreau,	Messenger and Office Keeper, - -	40	1 half.	20 0 0
				<hr/> £ 913 6 8

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PENSIONS,  
HOUSE OF ASSEMBLY.

Name of Officer.	Office held by him.	Amount of Salary.	Proportion to be granted.	Amount of Pension.
S. B. Pinguet.	Clerk of Committees,	£ 100	2 thirds.	£ 66 13 4
D. Jardine,		200	do.	133 6 8
W. Coates,		200	do.	133 6 8
S. Waller,	Clerk of Committees,	200	1 half.	100 0 0
J. Brewer,	Librarian,	200	2 thirds.	133 6 8
Eneas Bell,				18 0 0
F. Rodrigue,	} Door Keepers,	36	1 half.	18 0 0
Lewis Gagné,		36	do.	18 0 0
				£ 620 13 4

House proceeds in trial of contested Election for 2nd Riding of York.

The hour appointed for taking into consideration the Petition of divers electors of the second riding of the County of *York*, and of *Connell James Baldwin*, Esquire, complaining of the undue Election and return of *George Duggan*, Esquire, as a Member to represent the said Second Riding, of the County of *York*, in this present Parliament, being come.

The House proceeded to the appointment of a Select Committee to try and determine the merits of said Petitions.

The Serjeant at Arms was directed by Mr. Speaker to go with the Mace to the places adjacent, and require the attendance of the Members on the business of the House.

And he went accordingly.

And being returned the House was called and more than thirty Members being present.

Mr. Speaker called upon the Petitioners their Counsel or Agents to appear at the Bar.

*John Ross*, Esquire, appeared at the Bar as Counsel for the Petitioners,

Mr. Speaker, called upon the sitting Member, his Counsel or Agent to appear at the Bar.

*John Duggan*, Esquire, appeared at the Bar as Counsel for the sitting Member.

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Doors locked.

Mr. Speaker, then desired the Serjeant at Arms to lock the doors.

And the doors being locked accordingly, and the Order of the day for taking the said Petition into consideration, being read, the attestation of the Speaker was taken from off the box in which, agreeably to the Statute, the names of all the Members of the House were sealed up, and the same was read by the Clerk, as follows : —

I attest that this Box was on the 14th day of *August*, 1841, made up in my presence, in the manner directed by an Act passed in the Fourth year of the Reign of His late Majesty King *GEORGE* the Fourth, intituled "*An Act to repeal an Act passed in the forty fifth year of His late Majesty's Reign, intituled 'An Act to regulate the trial of controverted elections or returns of members to serve in the House of Assembly,' and to make more effectual provision for such trials.*"

AUSTIN CUVILLIER,  
Speaker.

The Box was then opened, and the Attestation of the Clerk was taken out of the Box, and read by him, as follows : —

I attest that I did, on *Saturday*, the 14th day of *August*, 1841, in presence of the Speaker of this House, put into a Box in which this attestation is found, the names of all the members composing the present Legislative Assembly, written upon slips of parchment, and

Attestation of Speaker.

Attestation of Clerk.



rolled up, as directed by an Act passed in the fourth year of the Reign of His late Majesty King GEORGE the Fourth, intituled "*An Act to repeal an Act passed in the forty fifth year of His late Majesty's*" "*Reign, intituled 'An Act to regulate the trial of controverted elections*" "*or returns of members to serve in the House of Assembly,' and to*" "*make more effectual provision for such trials.*"

W. B. LINDSAY,  
Clerk Assembly.

The names of all the members were taken out of the Box, and put into three other Boxes.

The drawing of the names was then proceeded in, in the usual manner, and the following names were drawn, to which no objection was taken : —

Names drawn from  
which to strike a  
Select Committee.

1 Thompson,	9 Baldwin,	17 Borne,
2 Durand,	10 Taché,	18 MacNab, Sir A.N.
3 Harrison,	11 Child,	19 Smith, Henry,
4 Foster,	12 Armstrong,	20 Parke,
5 Johnston,	13 Merritt,	21 Draper,
6 Barthe,	14 Cook,	22 Crane,
7 Cartwright,	15 Day,	23 Roblin.
8 Moffatt,	16 Prince,	

Fifteen names were drawn and set aside, or excused, as follows :

Six, against whom petitions are now pending.

Nine, serving on election committees.

Eight names were also drawn of members who were absent.

Mr. Hincks Nominee  
for Petitioners.

Mr. *Hincks* was chosen nominee for the Petitioners.

Mr. Aylwin Nominee  
for Sitting Member.

Mr. *Aylwin* was chosen nominee for the Sitting Member.

*John Ross*, Esquire, Counsel for the Petitions, presented lists of witnesses in the case of the petitions of divers electors of the *Second Riding* of the County of *York*, and of *Connel James Baldwin*, Esquire, which were read as follows : —

A list of witnesses on the part of *Charles Baker* and other Petitioners complaining of the undue election and return of *George Dug-*

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*gan*, Esq., a member to represent the second Riding of the county of *York* in the present Parliament.

List of Witnesses presented in behalf of Petitioners.	NAMES.		RESIDENCE.		NAMES.		RESIDENCE.	
	NAMES.		RESIDENCE.		NAMES.		RESIDENCE.	
	<i>John Woodil,</i>	Gore of Toronto.			<i>John Hyde,</i>	Streetsville.		
	<i>Patrick Freeland,</i>	Township of Chinguacousy.			<i>Mrs. Hyde,</i>	do.		
	<i>Peter M'Intyre,</i>	do.	do.		<i>John Crombie, M. D.,</i>	do.		
	<i>John Nesbitt, Jun.,</i>	do.	do.		<i>Joshua Bennett,</i>	do.		
	<i>John Greer,</i>	do.	do.		<i>Josiah Bennett,</i>	do.		
	<i>Adam Richie,</i>	do.	do.		<i>Richard Cuthbert,</i>	do.		
	<i>William Richardson,</i>	do.	do.		<i>Ben. Monger, J. P.,</i>	Township of Toronto.		
	<i>Joseph Bradt,</i>	do.	do.		<i>John Park,</i>	do.	do.	
	<i>William Dennis,</i>	do.	Albion.		<i>William Johnston,</i>	do.	do.	
	<i>James Johnson,</i>	do.	do.		<i>Samuel Brown,</i>	do.	do.	
	<i>Francis M'Donald,</i>	do.	do.		<i>John M'Mullin,</i>	do.	do.	
	<i>John Godbolt,</i>	do.	do.		<i>Daniel Douglass,</i>	do.	do.	
	<i>William Fuller,</i>	do.	do.		<i>Abraham Murrach,</i>	do.	do.	
	<i>George Bolton,</i>	do.	do.		<i>Robert Walsh,</i>	Gore of Toronto.		
	<i>Henry Roadhouse,</i>	do.	do.		<i>James Morrison,</i>	do.	do.	
	<i>John Foster,</i>	Springfield.			<i>Francis Logan,</i>	City of Toronto.		

JOHN ROSS,  
Council for Petitioners.

Mr. *Duggan*, handed in a list of the witnesses required in behalf of the sitting member for the second Riding of the county of *York*, which was also read by the Clerk as follows : —

List of Witnesses required on behalf of *George Duggan*, Esq., sitting member for the second Riding of the county of *York*, to

resist the Petition of *Connel J. Baldwin*, and of *Charles Baker*, and others, electors of the said Riding complaining against the election and return of the said *George Duggan*, to serve as a member of the Legislative Assembly of *Canada* for said Riding : —

	NAMES.	RESIDENCE.	PROFESSION.
List of Witnesses on behalf of sitting Member.	<i>William H. Patterson,</i>	Township of Toronto,	Merchant.
	<i>John Barnhart, Senior,</i>	do. do.	Gentleman.
	<i>John Barnhart, Junior,</i>	do. do.	Physician.
	<i>George Hawkins,</i>	do. do.	Gentleman.
	<i>Benjamin Switzer,</i>	do. do.	do.
	<i>George L. Allan,</i>	do. do.	Merchant.
	<i>John Embleton,</i>	do. do.	Land Agent.
	<i>John Street,</i>	do. do.	Miller.
	<i>John Beatty,</i>	do. do.	Miller.
	<i>Henry Rutledge, Senior,</i>	do. do.	Yeoman.
	<i>Henry Rutledge, Junior,</i>	do. do.	do.
	<i>John Glendenning,</i>	do. do.	do.
	<i>William Duggan,</i>	do. do.	Gentleman.
	<i>Star Jarvis,</i>	do. do.	Esquire.
	<i>Nathaniel Stern,</i>	do. do.	Yeoman.
	<i>Ephraim Stern,</i>	do. do.	do.
	<i>Thomas B. Phillips,</i>	do. do.	do.
	<i>William Rudsall,</i>	do. do.	Esquire.
	<i>David Neelands,</i>	All of the Township of Toronto, Yeomen.	
	<i>John Lennox,</i>		
	<i>James M'Bride,</i>		
	<i>John Irwin,</i>		
	<i>Isaac Wiley,</i>		
	<i>John Rutledge, Senior,</i>		
	<i>James Crawford,</i>		
	<i>William Cox,</i>		
	<i>Robert Cox,</i>		
	<i>George Cox,</i>		
	<i>James Chambers,</i>		
	<i>Stephen Street,</i>		
	<i>John Street,</i>		
	<i>James Aikin,</i>		
	<i>Joseph Horning,</i>		
	<i>Samuel Switzer, Senior,</i>		
	<i>Charles Barnhart,</i>		

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	NAMES.	RESIDENCE.	PROFESSION.
List of Witnesses on behalf of sitting Member.	<i>Edward W. Thompson,</i>	of Toronto Township,	Esquire.
	<i>Benjamin Monger,</i>	of do. do.	do.
	<i>William Thompson,</i>	of do. do.	do.
	<i>Joseph Dean,</i>	of Chinguacousey,	Yeoman.
	<i>John Mossop,</i>	of the City of Toronto,	do.
	<i>Joseph O'Neil,</i>	of Chinguacousey,	do.
	<i>Daniel Merrigold,</i>	Toronto Township,	do.
	<i>J. R. Meirs,</i>	do. do.	Merchant.
	<i>Joseph Evans,</i>	do. do.	do.
	<i>J. M. Chaffee,</i>	do. do.	do.
	<i>George Wright,</i>	do. do.	do.
	<i>J. Hector, (Returning Officer,)</i>	City of Toronto,	Esquire.
	<i>Thomas Galt, (Poll Clerk,)</i>	do. do.	do.
	<i>William Acheson,</i>	of Albion,	Inn-keeper.
	<i>Robert Cotton,</i>	Toronto Township,	Sadler.
	<i>James Cotton,</i>	do. do.	Merchant.
	<i>John Tilt,</i>	of Toronto Township,	do.
	<i>John Wiggins,</i>	of Chinguacousy,	Yeoman.
	<i>Patrick Heron,</i>	Toronto Township,	Carpenter.
	<i>William Gardner,</i>	do. do.	Mason.
	<i>William Kent,</i>	Esquesing,	Yeoman.
	<i>Francis Kent,</i>	Chinguacousey,	do.
	<i>James Lee,</i>	Toronto Township,	Schoolmaster.
	<i>John Ekain,</i>	do. do.	Carpenter.
	<i>John Beatty,</i>	City of Toronto,	Merchant.
	<i>Francis Logan,</i>	do. do.	do.
	<i>William Beatty,</i>	do. do.	do.
	<i>William Clay,</i>	Esquesing,	do.
	<i>James Trotter,</i>	City of Toronto,	Inn-keeper.
	<i>John Duggan,</i>	do. do.	Esquire.
	<i>Josiah Bennett,</i>	Toronto Township,	Blacksmith.
	<i>John Park,</i>	do. do.	Yeoman.
	<i>Samuel Brown,</i>	do. do.	do.

*Andrew Wolf,*  
*Peter Casler,*  
*John Burns,*  
*Henry Cole,*  
*Stanous Daniels,*  
*James Daniels,*  
*John Hewitt,*

Toronto Township,  
do. do.  
do. do.  
do. do.  
City of Toronto,  
do. do.  
of Albion,

Yeoman.  
do.  
do.  
do.  
Inn-keeper.  
Gentleman.  
Yeoman.

JOHN DUGGAN.

Counsel for sitting member.

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Kingston, 16th, 1841.

Parties retire.

At five minutes to four o'clock, P. M., the parties, with Mr. *Alfred Patrick*, Clerk to the Select Committee, retired for the purpose of striking said Committee.

Clerk returns with list of Names composed the Select Committee.

At twenty minutes after four o'clock P. M., the Clerk to the Select Committee delivered to the Clerk of the House a list containing the names of nine members unstruck, composing the Select Committee, which is as follows : —

Names of the Members remaining on the list to try the merits of the Petition of divers Electors of the second Riding of the County of York, and of *Connel James Baldwin*, Esquire, complaining of the undue election and return of *George Duggan*, Esquire, to serve as a representative for the said second Riding of the County York, in this present Parliament.

- |                          |                           |                             |
|--------------------------|---------------------------|-----------------------------|
| 1. Mr. <i>Thompson</i> , | 4. Mr. <i>Armstrong</i> , | 7. Mr. <i>Henry Smith</i> , |
| 2. Mr. <i>Taché</i> ,    | 5. Mr. <i>Merritt</i> ,   | 8. Mr. <i>Parke</i> ,       |
| 3. Mr. <i>Child</i> ,    | 6. Mr. <i>Borne</i> ,     | 9. Mr. <i>Roblin</i> ,      |

Nominee for the Petitioners Mr. *Hincks*,

Nominee for the sitting Member Mr. *Aylwin*.

ALFRED PATRICK,

Clerk to Select Committee.

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The said nine Members and the Nominees were then severally sworn at the table by the Clerk, in the usual manner.

On Motion of Mr. *Hincks*, seconded by Mr. *Armstrong*,

Committee to meet at nine A. M. to-morrow in Committee Room No. 1.

Ordered — That the Committee appointed to try the merits of the Petitions of divers electors of the second Riding of the County of York, and of *Connel James Baldwin*, Esquire, complaining of the undue election and return of *George Duggan*, Esquire, do meet in the Committee Room No. 1. of this House, to-morrow, at 9 o'clock, A. M.

Petitions brought up.

The following Petitions were severally brought up, and laid on the table : —

William Lemoine and others.

By Mr. *Henry Smith* — The Petition of *William Lemoine*, and others, inhabitants of the first concession of the Township of *Kingston*, *Midland District*.

Board of Trade of Kingston.

By the Honourable Mr. *Harrison* — The Petition of the Board of Trade of the Town of *Kingston*.

Rev. S. E. Fraser & others.

By the Honourable Mr. *Daly* — The Petition of the Reverend S. E. *Fraser*, and others, of the Township of *Inverness*, County of *Megantic*.

Matthew Rourke.

By Mr. *Johnston* — The Petition of *Matthew Rourke*, of *Kingston*, Merchant.

Bill to increase assessment in County of *Simcoe* passed.

An engrossed Bill to increase the sum which may be raised, under a certain Act therein mentioned, for the defraying the cost of certain public buildings in the County of *Simcoe*, was read for the third time.

Resolved — That the Bill do pass.

Ordered — That Captain *Steele* do carry the said Bill to the Legislative Council, and desire their concurrence.



Bill to incorporate  
Montreal Board of  
Trade passed.

An engrossed Bill to incorporate the *Montreal* Board of Trade, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That the Honourable Mr. *Moffatt* do carry the said Bill to the Legislative Council, and desire their concurrence.

Return of Police  
Force in Canada East  
laid before the House.

The Honourable *D. Daly* presented, pursuant to an Address to His Excellency, the Governor General, of the 23d of *July* last, a Return relative to the Police force in that part of the Province called *Lower Canada*.

For the said Return, see Appendix (Z.)

*Petitions read.*

Pursuant to the Order of the day, the following Petitions were read : —

Of P. Dunn and  
others.

Of *Peter Dunn*, and others, the Committee of Management of the *Montreal Recollet* School Institution, praying for an aid toward the support of the Institution.

Of T. Renwick and  
others.

Of *Thomas Renwick*, and others, inhabitants of the *Western* District, praying for a further reduction of the duty on Tobacco, the produce of this Colony.

Of Rev. J. G. Geddes  
and others.

Of the Reverend *J. G. Geddes*, and others, Ministers of the Church of *England* and *Scotland*, and the Methodist Church of *Barton, Gore* District, praying that an Act be passed to empower the Vice Chancellor to appoint Trustees to execute the Will of the late *John Butt*.

Of W. Walker  
(chairman Quebec  
Board of Trade.)

Of *William Walker*, Chairman, of the Board of Trade of *Quebec*, suggesting certain amendments to the Lumber Trade Bill, now before the House.

Of M. B. Southwick  
and others.

Of *M. B. Southwick*, and others, residing in the Mountain of *Saint Hilaire De Rouville*, District of *Montreal*, praying for an aid for establishing an *English* Public School.

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Petition of T.  
Renwick and others,  
referred.

*Ordered* — That the Petition of *Thomas Renwick*, and others, inhabitants of the *Western* District, be referred to the Select Committee appointed to examine into the prices paid, and the methods adopted, for the transit of products on the different communications within this Province, and to which was referred the Message of His Excellency, the Governor General, relating to the introduction of the products of the Province into the Ports of *Great Britain* free of duty.

On motion of Mr. *Raymond*, seconded by Mr. *Armstrong*.

Petition of Trustees  
of the College of  
L'Assomption referred  
to Select Committee.

*Resolved* — That the Petition of the Trustees of the College of *L'Assomption*, presented to the House on the 2d of *July* last, be referred to a Select Committee, composed of the Honourable Mr. *Viger*, Mr. *Neilson*, Mr. *Armstrong*, and Mr. *Morin*, to examine the contents thereof, and report thereon with all convenient speed, by Bill, or otherwise ; with power to send for persons, papers and records.

Petition of Mayor  
and Corporation of  
Toronto, respecting  
Tavern Licenses, re-  
ferred to Select  
Committee.

*Ordered* — That the Petition of the Mayor, Aldermen and Commonalty, of the City of *Toronto*, relative to the monies arising from tavern and other licenses, be referred to the Select Committee to which was referred the Petition of the Justices of the Peace of the *Home* District ; and that the said Committee have power to report from time to time.

On motion of Sir *Allan MacNab*, seconded by Mr. *Sherwood*.

Petition of Rev. J.  
G. Geddes and  
others, referred.

*Resolved* — That the Petition of the Rev. *J. G. Geddes*, and others, Ministers of the Church of *England* and *Scotland*, and the Methodist Church, of *Barton, Gore* District, be referred to a Select Committee, composed of Mr. *Cartwright*, and Mr. *Roblin*, to examine the contents thereof and report thereon with all convenient speed, by Bill, or otherwise ; with power to send for persons, papers, and records.

Petition of P. A. Weilbrenner, referred.

*Ordered* — That the Petition of *P. A. Weilbrenner*, of *Montreal*, presented to the House on the 19th of *July*, be referred to the Special Committee on the contingent accounts and expenses of the present Session.

Petition of W. Walker (chairman Quebec Board of Trade,) referred.

*Ordered* — That the Petition of *William Walker*, Chairman, of the Board of Trade, of *Quebec*, be referred to the Committee of the whole House on the Bill to regulate the inspection and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, in the Ports of *Quebec*, and *Montreal*, and for other purposes relative to the same.

Petition of Rev. W. Muir and others, referred.

*Ordered* — That the Petition of the Reverend *William Muir*, and others, of the Townships of *Chatham* and *Grenville*, presented to the House on the 12th instant, be referred to the Select Committee to which was referred the Bill to repeal certain Acts therein mentioned, and to make provision for the establishment and maintenance of Common Schools throughout this Province, and other references.

Order of day for the House in Committee on Sydenham Road Company Bill, revived, for Friday next.

On motion of Mr. *Durand*, seconded by Mr. *Hopkins*,

*Ordered* — That the Order of the day for the House in Committee on the Bill to established (sic) a Company by the name of the "*Sydenham Mountain Road Company*," lost by adjournment of the House of *Friday* last, be revived, and that this House will, on *Friday* next, resolve itself into the said Committee.

Order of day, for 2nd reading U. C. District Court Bill revived, for to-morrow.

On motion of Mr. Attorney General *Draper*, seconded by Mr. Solicitor General *Day*,

*Ordered* — That the Order of the day for the second reading of the Bill to alter and amend the Laws now in force, in that part of this Province formerly *Upper Canada*, regulating the District Courts, lost by the adjournment of the House of *Friday* last, be revived, and that the said Bill be read a second time on to-morrow.

Order of day for 2nd reading of Bill to purchase Welland Canal Stock, revived, for to-morrow.

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*Ordered* — That the Order of the day for the second reading of the Bill to authorize the Stock held by private parties in the *Welland Canal* to be purchased on behalf of the Province, lost by the adjournment of the House of *Friday* last, be revived, and that the said Bill be read a second time on to-morrow.

Amendments to Bill for Return of Fines levied by Justices, taken into consideration.

On motion of Mr. Attorney General *Draper*, seconded by Mr. Solicitor General *Day*,

*Ordered* — That the amendments made by the Legislative Council to the Bill intituled "*An Act to require Justices of the Peace to make returns of convictions and fines, and for other purposes therein mentioned*," be now taken into consideration.

The House proceeded accordingly to take the said amendments into consideration.

Amendments.

And the said amendments were read, and are as followeth :

Press 2, line 30. — after "adjourned" insert "to cause to be published the said returns in one public Newspaper in the said District, "and if there be no such Newspaper, then in a Newspaper of an adjoining District, and also."

Press 2, line 38. — After "Pound" insert, "besides the expense of publication."

Press 2, line 39. — After "thereof" insert the following clause "And "be it enacted, that it shall be the duty of the Clerk of the Peace of "each District, within twenty days after the end of each Quarter "Sessions, of the Peace, to transmit to the Inspector General of this "Province, a true copy of all such returns made within his District."

Engrossed amendments,

Attest,

JAMES FITZGIBBON,  
Clerk Legislative Council.

Amendments agreed to.

And the said amendments being again read they were agreed to by the House.

*Ordered* — That Mr. Attorney General *Draper*, do carry back the said Bill to the Legislative Council, and acquaint their honors that this House hath agreed to their amendments.

On motion of the Honourable Mr. *Harrison*, seconded by Mr. Attorney General *Draper*,

Order of day for House in Committee on U. C. District Council Bill, revived, and ordered for to-morrow.

*Ordered* — That the Order of the day for the House in Committee on the Bill to provide for the better internal Government of that part of this Province heretofore *Upper Canada*, by the establishment of Local or Municipal authorities therein, and on the Instruction to the said Committee, lost by the adjournment of the House of *Friday* last, be revived, and that this House will, on to-morrow, resolve itself into the said Committee.

Order of day for House in Committee on Public Lands sale bill, revived and ordered for tomorrow.

*Ordered* — That the Order of the day for the House in Committee on the Bill for the disposal of Public Lands, lost by the adjournment of the House on *Friday* last, be revived, and that this House will, on to-morrow resolve itself into the said Committee.

Order of day for House in Committee on Bill to Amend U. C. Chancery act, revived, and ordered for to-morrow.

*Ordered* — That the Order of the day for the House in Committee on the engrossed Bill, from the Legislative Council, intituled "*An Act to explain and amend an Act passed in the Provincial Parliament of Upper Canada, in the seventh year of the Reign of King WILLIAM the Fourth, intituled 'An Act to establish a Court of Chancery in this Province,' and to render more effectual the said Court,*" lost by the adjournment of the House of *Friday* last, be revived, and that this House will on to-morrow, resolve itself into the said Committee.

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Order of day for House in Committee on Petitions of inhabitants of Oakland, & S. Garnsey and others, &c. revived, and ordered for Friday.

On motion of Mr. *Powell*, second by Mr. *Thompson*,

*Ordered* — That the Order of the day for the House in Committee on the Petition of divers inhabitants of the Township of *Oakland*, — of *Samuel Garnsey*, and others, inhabitants of the Township of *Bayham*, — and of *James Covernton* and others, Magistrates and inhabitants of the District of *Talbot*, lost by the adjournment of this House of *Friday* last, be revived, and that the House will, on to-morrow, resolve itself into the said Committee.

Bill to enable Lawyers and Surveyors for U. or L. Canada to practise in Canada, brought in.

*Ordered* — That Mr. *Cameron*, have leave to bring in a Bill to enable persons authorized to practice the law, or to Act as surveyors, in *Upper or Lower Canada*, to practice or act in the Province of *Canada*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

*Ordered* — That the said Bill be read a second time *Monday* next.

Order of day for 2nd reading Bill for relief of purchasers at Sheriffs' sales, revived, and ordered for Wednesday.

On motion of Mr. *Prince* seconded by Mr. *Thorburn*,

*Ordered* — That the Order of the day for the second reading of the Bill for the relief of Purchasers at certain Sheriffs' sales, made after such Sheriffs have been out of Office, lost by the adjournment of the House of *Monday* last, be revived, and that the said Bill be read a second time on *Wednesday* next.

Order of day for 2nd reading Bill to abolish Imprisonment for Debt in Canada West, revived, and ordered for Friday.

*Ordered* — That the Order of the day for the second reading of the Bill to abolish imprisonment for debt in *Canada West*, except in certain cases, lost by the adjournment of the House of *Monday* last, be revived, and that the said Bill be read a second time on *Friday* next.

Order of day for House in Committee on imposing a duty on produce imported from the U. States, revived, and ordered for Friday.

*Ordered* — That the Order of the day for the House in Committee to consider the expediency of imposing a duty on Agricultural and other produce, and also on live stock, imported into this Country from the *United States of America*, lost by the adjournment of *Friday* last, be revived, and that this House will, on *Friday* next, resolve itself into the said Committee.



Bill for publication of Law Reports in Canada East brought up.

*Ordered* — That Mr. Black have leave to bring in a Bill to provide for the publication of Law reports in that part of the Province called *Lower Canada*.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time on *Wednesday* next.

Bill for Administration of Justice in Gaspé referred to Select Committee.

On motion of Mr. Christie, seconded by Mr. Borne,

*Ordered* — That the Order of the day for the House in Committee on the Bill to make more ample provision than heretofore for the due administration of justice in the Territorial division of *Gaspé* be discharged, and that the said Bill be referred to a select Committee composed of Mr. Neilson, Mr. Black, Mr. Borne, and Mr. Aylwin, to report thereon with all convenient speed; with power to send for persons, papers, and records.

On motion of Mr. Solicitor General Day, seconded by Mr. Attorney General Draper,

Order of day for House in Committee on Bill to provide for periodical Census, revived, and ordered for Thursday.

*Ordered* — That the Order of the day for the House in Committee on the Bill to repeal certain parts of an Act therein mentioned, and to provide for taking a periodical census of the inhabitants of this Province, and for obtaining the other statistical information therein mentioned, lost by the adjournment of the House of *Thursday* last, be revived, and that this House will, on *Thursday* next, resolve itself into the said Committee.

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Order of day for House in Committee on Bill to amend U. C. Road Act, revived, and ordered for Friday.

On motion of Mr. Johnston, seconded by Mr. Prince,

*Ordered* — That the Order of the day for the House in Committee on the Bill to alter and amend an Act of the Legislature of *Upper Canada*, intituled "*An Act to provide for the laying out, amending, and keeping in repair, the public highways and roads in this Province, and to repeal the Laws now in force for that purpose,*" — lost by the adjournment of the House of *Friday* last, be revived, and that this House will, on *Friday* next, resolve itself into the said Committee.

Address to His Excellency for copy of Blue Books for U. and L. Canada, ordered.

On motion of Mr. Aylwin, seconded by the Honourable Mr. Viger.

*Resolved* — That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, the Books commonly called the "Blue Book", for the late Provinces of *Upper* and *Lower Canada*, for the last two years.

*Ordered* — That the said Address be presented to His Excellency by such Members of this House as are of the Honourable the Executive Council of this Province.

Order of the day for House in Committee on 4 Bills on Criminal Law, postponed.

*Ordered* — That the Order of the day for the House in Committee on the Bill for improving the administration of Criminal Justice in this Province; the Bill for consolidating and amending the Laws in this Province relative to offences against the person; the Bill for consolidating and amending the Laws in this Province relative to larceny and other offences connected therewith; and the Bill for consolidating and amending the Laws in this Province relative to malicious injuries to property, be postponed until *Friday* next.

Bill to confirm an arrangement of Magistrates of Gore & Wellington Districts, read 2nd time.

A Bill to confirm a certain arrangement entered into by the Magistrates of the Districts of *Gore* and *Wellington*, was, according to order, read a second time.

Bill ordered for Com. of whole, on Friday next.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Friday* next.

Bill for regulation of Notaries in L. C. read second time. Ordered for Committee of whole, on Monday next.

Bill to establish Mutual Insurance Companies read 2nd time and ordered for Com. of whole, on Wednesday next.

Bill to permit U. C. Bank to carry on business at Toronto, read 2nd time, and ordered to be engrossed.

Bill to regulate practice of medicine, &c., read 2nd time.

Bill referred to a select Committee.

A Bill to regulate the admission of persons to the Notarial Profession in that part of the Province called *Lower Canada*, was, according to order, read a second time.

Ordered — That the said Bill be referred to a Committee of the whole House on *Monday* next.

A Bill to authorize the establishment of Mutual Insurance Companies in the several Districts of this Province, was, according to order, read a second time.

Ordered — That the said Bill be referred to a Committee of the whole House on *Wednesday* next.

A Bill to permit the business of the Bank of *Upper Canada*, to be carried on in *Toronto*, as usual, was, according to order, read a second time.

Ordered — That the said Bill be engrossed.

A Bill to regulate the practice of Medicine, Surgery, and Midwifery, within this Province, was, according to order, read a second time.

On motion of Mr. McCulloch, seconded by Mr. Boutillier.

Resolved — That the said Bill be referred to a select Committee composed of Mr. Boutillier, Mr. Taché, Mr. Foster, Mr. Harmanus Smith, Mr. Gilchrist, and Mr. Morin, to report thereon with all convenient speed; with power to send for persons, papers, and records.

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House proceeds to trial of controverted election of St. Maurice.

On motion of Mr. Neilson, seconded by Mr. Price.

Resolved — That the House do now proceed to the trial of the controverted election for the County of *Saint Maurice*, which was interrupted by the adjournment on *Saturday last*.<sup>1</sup>

The House accordingly proceeded on such trial.

The names of the members sworn to try the merits of the Petition being called over, the following were found absent : —

Members absent.

Mr. Buchanan.  
Mr. Cameron.  
Mr. Chesley.  
Mr. Attorney General Draper.  
Mr. Gilchrist.  
Mr. J. S. Macdonald.  
Mr. M'Lean.  
Mr. Simpson.

The Counsel for the Petitioners being called,

Mr. Guly again appeared at the Bar.

The witnesses were then desired by Mr. Speaker to withdraw.

Mr. Guly addressed the House on the right of the sitting member to examine further witnesses.

Joseph E. Turcotte, Esq., the sitting member, also addressed the House on the same subject.

Mr. Guly replied.

The sitting member having declared that he had no further evidence to offer.

On motion of Mr. Boswell, seconded by Mr. Price,

Ordered — That the Counsel for the Petitioners be again heard.

Mr. Guly was accordingly heard on the merits of the case.

Mr. Guly then withdrew.

The names of the Members sworn to try the merits of the Petition being again called over, the following were found absent : —

Sitting members evidence concluded.

Counsel for Petitioners again heard.

Members absent.

Mr. Buchanan.  
Mr. Burnet.  
Mr. Cameron.  
Mr. Chesley.

Mr. *Derbshire*.  
 Mr. Attorney General *Draper*.  
 Mr. *Gilchrist*.  
 The Honourable Mr. *Harrison*.  
 Mr. *J. S. McDonald*.  
 Mr. *McLean*.  
 Mr. *Roblin*.  
 Mr. *Simpson*.  
 Mr. *Watts*. — Then —

Resolution declaring  
 that petitioners have  
 failed to establish  
 their charges.

On motion of Mr. *Price*, seconded by Mr. *Borne*,  
*Resolved* — *Nemine contra dicente* — That the Petitioners against  
 the return of the sitting member for the County of *St. Maurice* have  
 failed to make out a case sufficient to unseat the sitting member, and  
 that the said Petition be dismissed.

Motion that the cost  
 be defrayed by  
 petitioners.

Mr. *Price* moved, seconded by Mr. *Borne*,  
 That the said Petitioners be condemned to pay the costs and charges  
 incurred by the sitting member, in defending his seat against the said  
 Petitioners.

The question having been put upon the said motion, a division

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ensued, and the names being called for, they were taken down as fol-  
 loweth : —

YEAS.

<i>Armstrong,</i>	<i>Boutillier,</i>	<i>Hincks,</i>	<i>Quesnel,</i>
<i>Aylwin,</i>	<i>Christie,</i>	<i>Hopkins,</i>	<i>Raymond,</i>
<i>Baldwin,</i>	<i>Cook,</i>	<i>Parent,</i>	<i>Taché,</i>
<i>Barthe,</i>	<i>Durand,</i>	<i>Price,</i>	<i>Viger, Hon. D.B.</i>
<i>Borne,</i>			(17).

NOES.

<i>Black,</i>	<i>Foster,</i>	<i>Morris,</i>	<i>Smith, (Went.)</i>
<i>Boswell,</i>	<i>Johnston,</i>	<i>Ogden, Hon. C.R.</i>	<i>Thompson,</i>
<i>Crane,</i>	<i>MacNab, Sir A.N.</i>	<i>Parke,</i>	<i>Thorburn,</i>
<i>Delisle,</i>	<i>McCulloch,</i>	<i>Powell,</i>	<i>Williams. — 19.</i>
<i>Duggan,</i>	<i>Moffatt, Hon. G.</i>	<i>Robertson,</i>	

Motion lost.

So it passed in the negative.

Order of day for  
 House in Com. on  
 amending Montreal  
 Rail Road Ordinance  
 postponed, until  
 Wednesday next.

On motion of Mr. *Holmes*, seconded by Mr. *Raymond*,  
*Ordered* — That the Order of the day for the House in Committee  
 to take into consideration the expediency of amending the Ordinance  
 of the Special Council of the 4th VICTORIA, chapter 41, authorizing  
 the formation of a Rail Road from *Montreal* to *Coteau-du-Lac*, be post-  
 poned until *Wednesday* next.

The names of the members present were taken down as fol-  
 loweth :—

Mr. Speaker,

No Quorum.

Mr. *Baldwin*, Mr. *Borne*, Mr. *Boswell*, Mr. *Boutillier*, Mr. *Delisle*,  
 Mr. *Holmes*, Mr. *Hopkins*, Mr. *Johnston*, Mr. *Morin*, Mr. *Parke*, Mr.  
*Powell*, Mr. *Price*, Mr. *Raymond*, Mr. *Small*, Mr. *Harmanus Smith*,  
 and the Hon. Mr. *Viger*.

And at three quarters past 10 o'clock at night, Mr. Speaker adjourn-  
 ed the House for want of a Quorum.



## Appendix. 16 August 1841.

## ((Withdrawn Motion Re : Legislative Officials' Salaries.))

On the order of the day for the reception of the committee of the whole on the speaker's salary, **Mr. Small** moved that the message of His Excellency thereon, and in relation to the salaries of the officers of both houses, be referred to the same committee, as the remuneration of members.<sup>2</sup>

**Mr. Harrison** was of opinion that it was very *mal-à-propos* to blend the two together. — The subject was not one of paramount importance to the country. As the House was desirous that a measure should be adopted on this subject, there would be no difficulty in the way of it, he was only desirous therefore, of not precipitating it, but that the House should exercise a moderate degree of patience, and it would meet with every attention.<sup>3</sup>

**Mr. Small** said if the suggestion of the hon. Secretary was conclusive, as to the intention of the Government to take charge of the measure, he felt every confidence in its being productive of general satisfaction, and was ready to adopt any course that might be most convenient.<sup>4</sup>

**Mr. Johnston** said that in looking at the Union Bill, he found that the salaries of all the prominent officials in the Province were very carefully provided for ; but when the wages of members were brought on the carpet, it was either inexpedient or unconstitutional, or some other objection was raised to it. The fact was this, (he was of opinion,) let them, the members, only get through the business of the country, and they might pack up and march as soon as they pleased.<sup>5</sup>

**Mr. Harrison** here rose and expressed regret that he had interfered at all. It was an affair that belonged entirely to the house, and as the Government had quite enough business of its own to attend to, there was no disposition on the part of it to add to the burthen, by assuming the direction of a measure which decidedly should emanate from, and be matured by the house itself. — The offer therefore to withdraw the motion in consequence of the previous remarks that he had made, he was desirous of declining, and trusted that it would be carried.<sup>6</sup>

**Sir Allan MacNab** was here seen, to sidle up to **Mr. Small**, who had brought the subject under notice, and urge him to withdraw it — "we'll make them," we'll insist upon it, they the government shall take it in hand" said the gallant Knight.<sup>7</sup>

The motion however was withdrawn....<sup>8</sup>

## Footnotes — 16 August 1841.

1. The proceedings were mentioned in: **BRITISH COLONIST**, 25 August 1841 ; **MONTREAL GAZETTE**, 18 August 1841 ; **LE CANADIEN**, 20 August 1841 ; **ST. CATHARINES JOURNAL**, 2 September 1841. The **BRITISH COLONIST** reported: "It is said *Mr. Johnston* took a very manly straightforward course on the occasion, but as the house monopolized the discussion by closing the doors, no particulars can be given." No other paper was able to give details of the debate either, contenting themselves with commentary and information gleaned from the official JOURNALS.

2. **BRITISH COLONIST**, 25 August 1841.

3. **IBID.**

4. **IBID.**

5. **IBID.**

6. **IBID.**

7. **IBID.**

8. **IBID.**

**Tuesday, 17 August 1841.**

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A Message was brought by *Frederick Starr Jarvis*, Esquire, Gentleman Usher of the Black Rod.

MR. SPEAKER,

His Excellency, the Governor General desires the immediate attendance of this Honourable House, in the Legislative Council Chamber.

House summoned to meet His Excellency at Bar of Legislative Council.

House proceeds accordingly.

Accordingly Mr. Speaker, with the House, went to the Council Chamber.

And being returned,

Speaker reports His Excellency's assent to certain Bills.

Mr. Speaker reported, that, agreeable to the commands of His Excellency, the Governor General, the House had attended His Excellency in the Legislative Council Chamber, where His Excellency was pleased

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to give, in Her Majesty's name, the Royal Assent to the following Public and Private Bills : —

Bill to admit R. J. Turner to practice.

"An Act to permit Robert John Turner to practise as Solicitor in the Court of Chancery."

Bill to amend West Gwillimbury Road Act.

"An Act to amend an Act of that part of the Province called Upper Canada, intituled 'An Act to provide for the making and keeping in repair the West Gwillimbury Road and Bridge, and to authorize the erection of a Toll Gate thereon.'"

Montreal Ladies Benevolent Society Bill.  
Bill to allow members for Canada West to vacate their seats.

"An Act to incorporate the Ladies Benevolent Society of Montreal."

Bill to amend Act for payment of claims for losses.

"An Act to enable Members of the Legislative Assembly, for places within that part of the Province formerly constituting Upper Canada, to vacate their seats in certain cases, and for other purposes."

Board of Works Bill.

"An Act to amend and enlarge an Act of the Legislature of the late Province of Upper Canada, intituled 'An Act to ascertain and provide for the payment of all just claims arising from the late Rebellion and Invasions of this Province.'"

Bill to amend Militia Law of Canada West.

"An Act to repeal certain Ordinances therein mentioned, and to establish a Board of Works in this Province."

Bill to facilitate despatch of business in Court of Queen's Bench.

"An Act to amend the Militia Law of that part of this Province formerly constituting the Province of Upper Canada."

Bill to amend Sherbrooke Rail Road Ordinance.

"An Act to facilitate the despatch of business in the Court of Queen's Bench in Upper Canada."

Bill to exempt Bibles from import duty.

"An Act to amend a certain Ordinance of the Legislature of Lower Canada, for making a Rail Road from Sherbrooke to the River Richelieu."

"An Act to exempt from duty all copies of the Holy Scriptures imported into this Province by Sea."

*Petitions brought up.*

The following Petitions were severally brought up and laid on the Table : —

Rev. J. Quinlan, and others.

By Captain Steele — The Petition of the Reverend *James Quinlan*, and others, of *Barrie*, County of *Simcoe*.

E. Williams.

By Mr. Merritt — The Petition of *Charles Williams*, of the Township of *Rainham*.

T. Kains, and others.

By Mr. Robertson — The Petition of *Thomas Kains*, and others, of the Township of *Grenville*.

Bill to allow U. C. Bank to carry on business in Toronto, passed.

An engrossed Bill to permit the business of the Bank of *Upper Canada* to be carried on in *Toronto*, as usual, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Hincks*, do carry the said Bill to the Legislative Council, and desire their concurrence.

On motion of Mr. *Durand*, seconded by Mr. *Prince*.

*Resolved* — That the Petition of *T. Sandilands*, and others, inhabitants of the District of *Wellington*, presented to the House on the 11th instant, be referred to a Select Committee composed of Mr. *Roblin*, Captain *Steele*, Mr. *Hopkins*, and Mr. *Harmanus Smith*, to examine the contents thereof, and report thereon with all convenient speed; with power to send for persons, papers, and records.

Petition of T. Sandilands and others referred to select Com.

Select Com. on petition of H. Week's report.

Mr. *Morris*, from the Select Committee to which was referred the Petition of *Henry Weeks*, of *Yonge*, District of *Johnstown*, presented to the House the report of the said Committee, which was again read at the Clerk's Table, and is as followeth:—

"The Petitioner experienced severe loss and inconvenience in consequence of an erroneous Government Survey of Lot number 19, in the 5th Concession of *Yonge*, in the District of *Johnstown*, the particulars

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of which are fully set forth by the said *Henry Weeks*, in his Petition to Your Honourable House.

Your Committee after a careful investigation of the case have come to the conclusion that the Petitioner appears to have sustained a pecuniary loss to the extent of £350, and are of opinion that Your Honourable House should strongly recommend it to the consideration of the Executive Government."

*Ordered* — That the said report be referred to a Committee of the whole House on *Wednesday*, the 25th instant.

Report referred to Committee of whole.

On motion of Mr. *Hincks*, seconded by Mr. *Roblin*,

*Ordered* — That the Order of the House of Yesterday "That the Committee appointed to try the merits of the Petition of divers electors of the 2nd Riding of the County of *York*, and of *Connel James Baldwin*, Esquire, complaining of the undue election and return of *George Duggan*, Esquire, do meet in the Committee Room number one, of this House, to-morrow, at nine o'clock, A. M." be discharged, and that the said Committee do meet at four o'clock P. M., this day, in the Committee Room, number two, of this House.

Time changed for meeting of Committee on contested election for 2nd Riding of York, to 4 o'clock, P. M., this day.

Committee on contested election for town of *Niagara* report absence of certain members.

Mr. *Hale*, Chairman of the select Committee appointed to try the merits of the Petition of *Robert Melville* and *John McBride*, electors of the Town of *Niagara*, complaining of the undue election and return of *Edward Clarke Campbell*, Esquire, sitting Member for the said Town of *Niagara*, reported that, in conformity with the order of the House, the said Committee met this day, — that they were, however, unable to proceed to business in consequence of the absence of Messieurs *Chesley* and *Gilchrist*, Members of the said Committee.

On motion of Mr. Attorney General *Draper*, seconded by Mr. Solicitor General *Day*.

*Resolved* — That this House do now resolve itself into a Committee of the whole House, to consider the expediency of amending so much of the Act of the Parliament of *Upper Canada*, of the 2nd. WILLIAM the Fourth, chapter 13, as relates to the appointment of the Directors of the *Grand River Navigation Company*.

House in Committee on amending Act of U. C. respecting Grand River Navigation.

The House accordingly resolved itself into the said Committee.

Captain *Steele* took the chair of the said Committee, and after some time spent therein,

Mr. Speaker resumed the chair,



Resolution reported.

And Captain *Steele*, reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's Table, and agreed to by the House, and is as followeth : —

Resolution that certain Directors of the Grand River Navigation Company, should be appointed by the Crown.

*Resolved* — That so long as three fourths of the Stock of the *Grand River Navigation Company* are held by, or in Trust for, the *Six Nation* Indians, it is just that a proportion of the number of Directors of that Company should be nominated and appointed by the Crown, as the Guardian of the rights and property of the *Six Nation* Indians.

Bill to amend Act for appointment of Directors of Grand River Navigation Company brought in.

*Ordered* — That Mr. Attorney General *Draper*, have leave to bring in a Bill to amend the Law regulating the Election of Directors of the *Grand River Navigation Company*.

He accordingly presented the said Bill to the House and the same was received and read for the first time.

*Ordered* — That the said Bill be read a second time, on *Thursday* next.

Motion to extend the time for Commission on Niagara contested election to report.

Mr. *Small*, moved, seconded by Mr. *Baldwin*,

That the period for the Commissioners now taking evidence on the controverted election for the Town of *Niagara*, on the Petition of *Robert Melville*, and *John McBride*, complaining of the undue election and Return of *Edward Clarke Campbell*, Esquire, the sitting Member

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for the Town of *Niagara*, to report to this House, be enlarged until *Saturday*, the 21st., instant.

Carried.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative.

*Ordered* — accordingly.

Message from Legislative Council.

A Message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery.

MR. SPEAKER,

Bill to enable Surveyors in U. C. to administer an oath, passed Leg. Council.

The Legislative Council have passed the Bill, intituled, "*An Act to grant authority to Licensed Surveyors in that part of this Province called Upper Canada, to administer an Oath in certain cases, and to protect them while in the discharge of their duty in Surveying Lands,*" without any amendment.

And also,

LEGISLATIVE COUNCIL, TUESDAY, 17th AUGUST, 1841.

Leave requested for Messrs. Armstrong, and Watts, to attend Committee of Legislative Council.

*Ordered* — That the Master in Chancery do go down to the Legislative Assembly, and acquaint that House that the Legislative Council request that leave may be given to *David M. Armstrong*, and *Robert N. Walls*, Esquire, two of their members, to be examined before the Special Committee to whom is referred the Bill intituled "*An Act to amend two certain Ordinances therein mentioned, relative to Winter Roads in that part of the Province formerly Lower Canada,*" to-morrow, at the hour of one in the afternoon.

On motion of Mr. *Hincks*, seconded by Mr. *Small*.

Address to His Excellency for casual and Territorial Revenue Acts and certain other returns, ordered.

*Resolved* — That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a detailed statement of the Receipts and Expenditure of the casual and territorial revenue of the late Province of *Upper Canada*, from the period which the same was last laid before the Legislature up to the 9th of *February* last ; also a statement of the Receiver General of the late Province of *Upper Canada's* receipts and expenditure, from the 1st of *January*, 1841, up to the 9th of *February*, 1841, and a general statement of the receipts and expenditure, from the 9th of *February*, 1841, to the 30th of *June*, 1841 ; also a return of the Crown's proportion of seizures, received from Collectors in *Upper Canada*, since the last return ; the fees on marriage

licenses, licenses for practising physic and surgery, and also a return of all fees collected in any public office in this Province, under what law or authority collected, and to whom paid.

*Ordered* — That the said Address be presented to His Excellency by such members of this House as are of the Honourable the Executive Council of this Province.

On motion of Mr. *Neilson*, seconded by Mr. *Aylwin*.

*Resolved* — That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a statement of the sums of money received into the Receiver General's Chest, in each year subsequently to the 25th of *February*, 1832, arising out of the Estates of the late Order of Jesuits, and of the amount thereof at the disposal of the Legislature for the "purposes of Education exclusively," conformably to the first clause of the Statute of *Lower Canada*, of the 2d WILLIAM the Fourth, Chapter 41.

*Ordered* — That the said Address be presented to His Excellency,

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by such members of this House as are of the Honourable the Executive Council of this Province.

On motion of Mr. *Morin*, seconded by Mr. *Christie*.

*Resolved* — That a Message be sent to the Legislative Council, to acquaint their Honours that this House do give leave to *David M. Armstrong and Robert N. Watts*, Esquires, members of this House, to appear before the Special Committee to which is referred the Bill intituled "*An Act to amend two certain Ordinances therein mentioned, relative to Winter Roads in that part of the Province formerly lower Canada,*" — to-morrow at the hour of one in the afternoon, if they think fit.

*Ordered* — That Mr. *Morin* do carry the said Message to the Legislative Council.

On motion of Mr. *Merritt*, seconded by Mr. *Thorburn*,

*Ordered* — That the Order of the day for the House in Committee on the first report of the Select Committee appointed to examine into the prices paid, and the methods adopted, for the transit of products on the different communications within this Province, and to which was referred the Message of His Excellency, the Governor General, relating to the introduction of the products of the Province into the Ports of *Great Britain* free of duty, lost by the adjournment of the House of *Friday* last, be revived, and that this House will, on *Friday* next, resolve itself into the said Committee.

On motion of Mr. *Aylwin*, seconded by Mr. *Turcotte*.

*Resolved* — That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a statement of all monies paid to Mr. Attorney General *Ogden*, for official services rendered within the four last years, and the authority for such payment.

*Ordered* — That the said Address be presented to His Excellency by such members of this House as are of the Honourable the Executive Council of this Province.

Mr. *Cameron* moved, seconded by Mr. *Hincks*,

That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House the Report of the Commissioner, appointed to report upon the state of Settlers, and improvements in the Township of *MacNab*, in the *Bathurst* District, with any other information which may be in His Excellency's power to give, touching the difficulties and complaints said to exist between *The MacNab* and the Settlers in his Township.<sup>1</sup>

Address to His Excellency for statement of sums received from Jesuits' Estates, ordered.

Message to be sent to Legislative Council granting leave to Messrs. Armstrong and Watts, to attend Select Committee.

Order of day for House in Com. on 1st report of Sel. Com., on prices of transport of products &c., revived, and ordered for Friday.

Address to His Excellency for statement of money's paid Attorney General Ogden for last 4 years, ordered.

Motion for Address to His Excellency for report of Commissioner on settlement of township of M'Nab.

Upon this motion a very warm and lengthened debate ensued, **Sir Allan MacNab** contending that if the settlers had any cause of complaint the Courts of Law were open to them.<sup>2</sup>

The opposite party, however, with some strictness quoted a general and favourite saying of **Sir Allan's** that "*enquiry could, do no harm*".<sup>3</sup>

**Messrs. Draper** and **Ogden** in opposition to **Mr. Harrison**, ((expressed)) a dissent from the motion, on the plea of the report being as yet incomplete, and liable to be obstructed by such a course....<sup>4</sup>

The motion was strenuously opposed by **Sir Allan MacNab**, **Mr. Viger**, and **Mr. Berthelot**....<sup>5</sup>

Previous question moved.

**Sir Allan MacNab** moved, seconded by **Mr. Aylwin**, the previous question, viz : —

Shall the question be now put ?

The House divided, and the names being called for, they were taken down as followeth : —

YEAS.

<i>Armstrong,</i>	<i>Crane,</i>	<i>Foster,</i>	<i>McDonald, (Pres.)</i>
<i>Baldwin,</i>	<i>Daly, Hon. D.</i>	<i>Harrison, Hon. S.B.</i>	<i>Moore,</i>
<i>Barthe,</i>	<i>Draper, Hon. W.H.</i>	<i>Hincks,</i>	<i>Morin,</i>
<i>Borne,</i>	<i>Dunn, Hon. J.H.</i>	<i>Holmes,</i>	<i>Morris,</i>
<i>Boswell,</i>	<i>Dunscomb,</i>	<i>Hopkins,</i>	<i>Parent,</i>
<i>Cameron,</i>	<i>Duggan,</i>	<i>Killaly, Hon. H.H.</i>	<i>Parke,</i>
<i>Cook,</i>	<i>Durand,</i>	<i>McCulloch,</i>	<i>Powell,</i>

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<i>Price,</i>	<i>Ruel,</i>	<i>Taché,</i>	<i>Viger, Hon. D.B.</i>
<i>Quesnel,</i>	<i>Small,</i>	<i>Thompson,</i>	<i>Watts,</i>
<i>Raymond,</i>	<i>Smith, (Went.)</i>	<i>Thorburn,</i>	<i>Williams. — 42.</i>
<i>Roblin,</i>	<i>Steele,</i>		

NOES.

<i>Aylwin,</i>	<i>Christie,</i>	<i>Moffatt, Hon. G.</i>	<i>Sherwood,</i>
<i>Berthelot,</i>	<i>Delisle,</i>	<i>Neilson,</i>	<i>Turcotte,</i>
<i>Buchanan,</i>	<i>Hale,</i>	<i>Ogden, Hon. C. R.</i>	<i>Woods,</i>
<i>Burnet,</i>	<i>Johnston,</i>	<i>Robertson,</i>	<i>Yule. — 19.</i>
<i>Child,</i>	<i>MacNab, Sir A.N.</i>	<i>Smith, (Fron.)</i>	

Carried.

So it was carried in the affirmative.

The question being then put on the main motion, the House divided thereon.

Yeas, 42. Noes, 19.

And the names being called for, they were taken down as in the last preceding division.

Original motion carried.

So it was carried in the affirmative, and —

*Resolved* accordingly.

*Ordered* — That the said Address be presented to His Excellency, by such members of this House as are of the Honourable the Executive Council of this Province.

On motion of **Mr. Small**, seconded by **Mr. Hincks**,

Leave to Committee on Niagara contested election, to adjourn to 21st inst.

*Ordered* — That the Committee appointed to try the merits of the Petition of **Robert Melville** and **John McBride**, complaining of the undue election and return of **Edward Clarke Campbell**, Esquire, the Sitting Member for the Town of **Niagara**, have leave to adjourn until **Saturday**, the 21st instant, at 10 o'clock, A. M.

Address to His Excellency for statement of sums remitted to England by Deputy Post Master General for last 4 years, ordered.

On motion of **Mr. Aylwin**, seconded by **Mr. Thorburn**,  
*Resolved* — That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a statement of all sums of money, if any, transmitted to the Home Government by the Deputy Post Master General, during the last four years, as and for postages, and balances



of postages by him received and levied upon Her Majesty's subjects in the late Provinces of *Lower* and *Upper Canada*, and in this Province; and also the information as to the authority under which the said sums were received and remitted to *Great Britain*.

*Ordered* — That the said Address be presented to His Excellency by such members of this House as are of the Honourable the Executive Council of this Province.

Motion to appoint  
Committee on Post  
Office Department.

Mr. *Aylwin* moved, seconded by Mr. *Thorburn*,

That a Committee of seven members be appointed to enquire into the Department of the Deputy Post Master General in this Province.<sup>6</sup>

Mr. *Harrison* opposed it as most inconvenient. A Commission had been appointed to investigate the Post Office Department, the report of which, when in a proper state would in due course be submitted to the house. He perfectly agreed with others, that it was a subject demanding the attention of that house, but at the same time entitled to its patience, until the result of the present commission could be ascertained.<sup>7</sup>

Mr. *Parke* said that the most minute enquiries had been made, and he had no doubt, if this mischievous meddling was restrained, such evidence would be laid before Parliament, as would be perfectly satisfactory.<sup>8</sup>

Mr. *Thorburn's* view in seconding the motion was to obtain the expression of the House as to the labours of the commission, that time might be saved by such expression of opinion accompanying the report if necessary, to England, and affecting probably, in a degree the construction of the act of the Imperial Parliament on the subject for the benefit of the country.<sup>9</sup>

Mr. *Aylwin* went on in his usual strain....<sup>10</sup>

Mr. *Draper* said that the post office department belonged to the supreme government; that the Commons of England — (hear) — had instituted the commission at the expense of the British Government. (Hear, hear.) That they were quite as competent to judge of the legality or the constitutionality of the commission as Mr. *Aylwin*! and quite as jealous of their privileges! That without evincing in the most distant manner, an opinion of assumption of power on the part of the executive by the appointment of such commissions, to show their perfect acquiescence in them, they were accustomed invariably to act on their reports. The learned Att'y. General in continuation said, that the commission which was now in progress, was of a general character, embracing the Mother Country as well as the Colony; and that although the powers to be given to Mr. *Aylwin's* commission of five might be ample enough, they could not proceed beyond the Province; the consequence would be, the insignificance of the efforts of the commission would place the house in this dilemma; that it would be obliged to act upon very limited information, and consequently, the commission would prove a useless expense instead of a benefit to the colony. — <sup>11</sup>

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The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth: —

YEAS.

<i>Aylwin,</i>	<i>Borne,</i>	<i>Morin,</i>	<i>Turcotte,</i>
<i>Baldwin,</i>	<i>Boutillier,</i>	<i>Thorburn,</i>	<i>Viger, Hon. D.B.</i>
<i>Berthelot,</i>			(9).

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NOES.

<i>Boswell,</i>	<i>Dunscomb,</i>	<i>McCulloch,</i>	<i>Prince,</i>
<i>Child,</i>	<i>Durand,</i>	<i>McDonald, (Pres.)</i>	<i>Raymond,</i>
<i>Christie,</i>	<i>Foster,</i>	<i>Moffatt, Hon. G.</i>	<i>Robertson,</i>
<i>Crane,</i>	<i>Hale,</i>	<i>Morris,</i>	<i>Roblin,</i>
<i>Daly, Hon. D.</i>	<i>Harrison, Hon. S.B.</i>	<i>Ogden, Hon. C.R.</i>	<i>Smith, (Went.)</i>
<i>Day, Hon. C. D.</i>	<i>Holmes,</i>	<i>Parke,</i>	<i>Watts. — 27.</i>
<i>Draper, Hon. W.H.</i>	<i>Killaly, Hon. H.H.</i>	<i>Powell,</i>	

Motion lost.

So it passed in the negative.

House in Committee  
on U. C. District  
Council Bill.

The Order of the day for the House in Committee on the Bill to provide for the better internal Government of that part of this Province heretofore *Upper Canada*, by the establishment of local or municipal authorities therein, and on the instruction to the said Committee, being read,

The House accordingly resolved itself into the said Committee.  
Mr. Cook took the chair of the Committee.<sup>12</sup>

Clause 39 was the first in order.<sup>13</sup>

Mr. Harrison moved an amendment, that the assessment do not exceed 2d. in the pound, and that instead of *wild lands*, the words *all lands* be substituted, to be rated and assessed at 1½d. per acre. — That among the reasons which prompted this rate of assessment, were various increased demands on the resources of the country — lunatic asylums, (sic) jails, (at least so the hon. Secretary was understood,) member's wages, &c.<sup>14</sup>

Mr. Baldwin moved an amendment, that the assessment upon wild lands be according to their value.<sup>15</sup>

Many spoke in favour of this amendment, repeating their opinions at least about a dozen times. The whole of them ... may be condensed into a very small space, showing that some lands were infinitely superior in soil and locality to others — and consequently they ought to be assessed higher, and that a fixed uniform rate per acre, would be the reverse of an *ad valorem* rate, but would subject all land, distant or contiguous to towns, bad or good in quality, to one and the same rate of assessment, at variance with the just distribution of the general burthen of taxation which ought to fall upon proportion to its capability of supporting it.<sup>16</sup>

Mr. Baldwin and Mr. Hincks were also in favour of a general assessment of all kinds of property being included in the bill.<sup>17</sup>

Mr. Harrison objected to this as encumbering the present bill, intimating that it was the intention of the government to bring before the house a distinct and separate measure, embracing every description of assessment.<sup>18</sup>

Mr. Baldwin's amendment was lost, and Mr. Harrison's, being put from the chair, passed in the affirmative.<sup>19</sup>

The 41st clause being read, Mr. Baldwin, moved the introduction of a clause to prevent the District Councils from borrowing money.<sup>20</sup>

Mr. Harrison proposed an amendment in the clause reserving the power of *raising money* on the part of the District Councils, and merely restricting them from issuing notes and acting in any way as bankers.<sup>21</sup>

The clause thus amended was carried.<sup>22</sup>

Clause 45 prohibiting the action of any bye law, until the expiration of thirty days after an authentic copy shall have been received by the Secretary of the Province, and reserving the power of disallowance to the Governor by and with the advice of the Executive Council ((was read)).<sup>23</sup>

Mr. Baldwin ... ((spoke about)) the gross and cruel injustice to Lower Canada, giving as an example of it the power reserved by the Executive in a similar clause in the ordnance whereby not only a *bye law*, but any *part* of a bye law, may be annulled by the Governor, dwelling particularly upon this as a shamefully allowing any objectionable part to be culled out of such bye law.<sup>24</sup>

Mr. Aylwin qualified himself....<sup>25</sup>

((Mr. Morin spoke)) ... in *unusually strong* language....<sup>26</sup>

Mr. Day ... read from the Statute Book, from which the very ordnance (sic) had been copied, one by which the *free people* of England, are at this present time perfectly contested to

submit to, with respect to municipal law, whereby (be it observed) *every bye law* must await the expiration of 40 days (10 days longer than the Lower Canadian Ordinance (sic) provides) after the Secretary has received a copy of it before it can be in force; and again, — talk about tyrannically culling out! this very clause in the Statute of Wm. IV., subjects such British municipal bye law to the very *same exercise* of power, on the part of the Imperial Government which is empowered not only to reject the *whole* or any *part* of it, displaying as Mr. Day ... observed a supreme ignorance on the part of those who had raised the clamour; a clamour which however he also ... observed, was quite in unison with the language of Mr. Aylwin at all times when he opened his lips about the government, and therefore undeserving of the slightest consideration.<sup>27</sup>

**Mr. Durand** proposed an amendment, that pay be allowed such Councillors not exceeding 7s. 6d. per day.<sup>28</sup>

**Mr. Thorburn** was in favour of the amendment.<sup>29</sup>

A novel and rather amusing scene now took place: **Mr. Cook** the Chairman! got up and would persist in addressing the committee, he calling others to order, others calling him.<sup>30</sup>

However **Mr. Durand's** amendment was negatived.<sup>31</sup>

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And the House having continued to sit till after twelve o'clock on *Wednesday* morning.

((Wednesday, 18 August 1841.))

Mr. Speaker resumed the chair.

Bill reported amended.

And **Mr. Cook** reported that the Committee had gone through the Bill, and made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received at the next sitting of the House.

The names of the members present were taken down as followeth:

Mr. Speaker,

No quorum.

**Mr. Baldwin**, **Mr. Boswell**, **Mr. Buchanan**, the Honourable **Mr. Daly**, **Mr. Solicitor General Day**, **Mr. Attorney General Draper**, **Mr. Dunscomb**, **Mr. Durand**, **Mr. Foster**, the Honourable **Mr. Harrison**, **Mr. Hincks**, **Mr. Parke**, **Mr. Powell**, and the Honourable **Mr. Viger**.

At half past 12 o'clock, on *Wednesday* morning, **Mr. Speaker** adjourned the House, for want of a quorum, till this day.

Footnotes — 17 August 1841.

1. The debate on this motion was reported by: **BRITISH COLONIST**, 25 August 1841; **ST. CATHARINES JOURNAL**, 2 September 1841; **KINGSTON CHRONICLE**, 18 August 1841.

2. **KINGSTON CHRONICLE**, 18 August 1841.

3. **IBID.**

4. **BRITISH COLONIST**, 25 August 1841.

5. **IBID.**

6. The debate on this motion was reported by: **KINGSTON CHRONICLE**, 18 August 1841; **BRITISH COLONIST**, 25 August 1841.

7. **BRITISH COLONIST**, 25 August 1841.

8. **IBID.**

9. **IBID.**

10. **IBID.**

11. **IBID.**

12. The debate occurring was reported by: **BRITISH COLONIST**, 25 August 1841; **ST. CATHARINES JOURNAL**, 2 September 1841; **KINGSTON CHRONICLE**, 18 August 1841.

13. **BRITISH COLONIST**, 25 August 1841.

14. **IBID.**

15. **IBID.**

16. **IBID.**

17. **IBID.**

18. **IBID.**

19. **IBID.**

20. **IBID.**



21. **IBID.**
22. **IBID.**
23. **IBID.**
24. **IBID.**
25. **IBID.**
26. **IBID.**
27. **IBID.**
28. **IBID.**
29. **IBID.**
30. **IBID.**
31. **IBID.**

## Wednesday, 18, August 1841.

- Petitions brought up.*
- Rev. T. Phillips,  
Bishop of Toronto.
- Rev. J. Anderson  
and others.
- G. Monro, Mayor  
of Toronto.
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- The following Petitions were severally brought up, and laid on the Table : —
- By Mr. Cartwright — The Petition of the Reverend *Thomas Phillips*, of *Etobicoke*, and the Petition of the Right Reverend the Bishop of *Toronto*.
- By Mr. Hale — The Petition of the Reverend *Joseph Anderson*, and others, Members of the Congregational Church of *Melbourne*, and its vicinity.
- By Sir Allan MacNab — The Petition of *George Monro*, Mayor, on behalf of the Corporation of the City of *Toronto*.
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- A. Johnston and  
others.
- Rev. Rem. Gaulin.
- Rev. A. Mauseau,  
and H. Hudon.
- T. M. Gardner, and  
others.
- Rev. J. McMorine  
and others.
- C. Wagner, and  
others.
- Rev. J. Cook, and  
others.
- M'Pherson, Crane, &  
Co., and others.
- P. Langlois, and  
others.
- H. McGilvray, and  
others.
- Petitions read.*
- Of W. Lemoine  
and others.
- Of Board of Trade  
of Kingston.
- Of Rev. S. C. Fraser  
and others.
- Of M. Rourke.
- Message from  
Legislative Council.
- By Mr. McCulloch — The Petition of *Alexander Johnston*, and others, Inhabitants of *North Gore*.
- By the Honourable Mr. Viger — The Petition of the Right Reverend *Rémeigios Gaulin*, Roman Catholic Bishop of *Kingston*, and of the Reverend *A. Mauseau*, and *H. Hudon*, Administrators of the diocese of *Montreal*.
- By Mr. Dunscomb — The Petition of *Thomas M. Gardner*, and others, of the County of *Beauharnois*.
- By Mr. Moore — The Petition of the Reverend *John McMorine*, and others, Members of the Presbyterian Church in *Melbourne*.
- By Mr. Aylwin — The Petition of *Charles Wagner*, and others, Apprentice Pilots for the River *Saint Lawrence*.
- By Mr. Burnet — The Petition of the Reverend *John Cook*, *Robert Symes*, *Andrew Stuart*, and others, of *Quebec*.
- By Mr. Merritt — The Petition of *Macpherson*, *Crane* and Company, and others, engaged in the Trade of Forwarding.
- By Mr. Neilson — The Petition of *Pierre Langlois*, and others, Pilots for and below the Harbours of *Quebec*.
- By Mr. Price — The Petition of *Hector McGilvray*, and others, Inhabitants of the County of *York* and City of *Toronto*.
- Pursuant to the Order of the day, the following Petitions were severally read : —
- Of *William Lemoine*, and others, inhabitants of the 1st Concession of the Township of *Kingston*, *Midland District*, praying for an aid to construct a Bridge over the River *Catararqui*.
- Of the Board of Trade of the Town of *Kingston*, praying for an Act to incorporate a Savings Bank.
- Of the Reverend *S. C. Fraser*, and others, of the Township of *Inverness*, County of *Megantic*, praying that the Sacred Scriptures may be used in all Schools and Seminaries in the Province.
- Of *Mathew Rourke*, of *Kingston*, Merchant, complaining of a Suit in the Queen's Bench, for £36, instituted against him by *Henry Smith*, Esquire, for costs on a contested election, and praying relief.
- A Message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery.

## MR. SPEAKER,

The Legislative Council have passed the following Bills, without any amendment : —

Bill to naturalize  
J. A. Tailhades,  
and

De Gaspé's relief Bill,  
passed Legislative  
Council.

Bill to amend Mutual  
Insurance Act of L.  
Canada, sent down  
amended.

"An Act to secure to, and confer upon Jacques Alexandre Tailhades, "an inhabitant of this Province, the civil and political rights of a "natural born British subject."

"An Act for the relief of Philippe Aubert De Gaspé."

And also,

The Legislative Council have passed the Bill intituled "*An Act to amend an Act of the Legislature of Lower Canada, relative to the establishment of Mutual Fire Insurance Companies,*" with several amendments, to which they desire the concurrence of the Assembly.

And then he withdrew.

On motion of Sir Allan McNab, seconded by Mr. Buchanan,

Petition of G. Monro,  
Mayor of Toronto,  
read.

*Ordered* — That the Petition of George Monro, Mayor, on behalf of the Corporation of the City of Toronto, praying for the appointment of a Committee to enquire into, and report upon, the truth of the statements contained in the Report of the Commissioners, appointed to

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investigate the cause of the late riots in the said City, be now read, and that the Rule of this House of the 20th of June last, be dispensed with, as to the present Petition.

The said Petition was read accordingly.

Some discussion arose on the petition. Sir Allan MacNab spoke with some degree of excitement on the occasion, and ... the petition was referred to the same committee as the report of Messrs. Fullam and others, and he himself added to the committee, which will run thus — Small (Chairman) Christie, Neilson, Merritt, Williams, Sir A. Macnab —<sup>1</sup>

Mr. Johnston ... proposed to add Mr. Hincks' name to it, on account he said of his being so disinterested in the matter.<sup>2</sup>

I trust (said (Mr. Hincks)) the member for Oxford) that Mr. Johnston will withdraw his motion, for to speak candidly, I have already made up my mind on the subject, and in that case it would not be at all fair.<sup>3</sup>

Mr. Johnston, "I have no doubt the hon. member has made up his mind upon it, I am therefore perfectly willing to withdraw it."<sup>4</sup>

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Petition referred to  
Committee on Petition  
of P. Leppard and  
others.

A member added to  
said Committee.

Committee on Huron  
Election report  
absence of certain  
members.

*Ordered* — That the said Petition be referred to the Special Committee to which was referred the Petition of Peter Leppard, of East Gwillimbury, Home District, and other references.

*Ordered* — That Sir Allan McNab be added to the said Committee.

Mr. Christie, Chairman of the Committee appointed to try the merits of the Petition of William Dunlop, of Gairbraid, Esquire, in the County of Huron, complaining of the undue election and return of James McGill Strachan, Esquire, as a member to represent the County of Huron, reported to the House that the Committee met, pursuant to adjournment, at 10 o'clock, A. M., this day, and that Messieurs Burnet and Holmes, were absent.

Leave granted to Com.  
on Petition of Bonner  
and Petry to report  
from time to time.

On Motion of Mr. Neilson, seconded by Mr. Christie,

*Ordered* — That the Special Committee to which was referred the Petition of John Bonner, and William Petry, of Quebec, have leave to report from time to time by Bill or otherwise.



Committee on Petition of Bonner and Pery make 1st report, with a Bill.  
Report.

Accordingly Mr. *Neilson*, presented the first Report of the said Committee, which was again read at the Clerk's Table.

"Your Committee, on examining the Petition, find that the Petitioners complain that a certain lot of land at *Quebec*, which they had purchased from the Executive Government, and paid £222 on account thereof, had not been granted them on the terms agreed upon.

Your Committee are of opinion that a complaint of his nature should be heard and acted upon by an ordinary Court of Justice, but that difficulties exist in bringing such matters before a Judicial Court, when the Executive Government is concerned; they have therefore prepared a Bill, to facilitate a legal remedy to such as have claims on the Provincial Government, which they beg to recommend for the adoption of your Honourable House."

Bill for relief of Claimants against the Government read first time.  
Second reading Monday next.

Mr. *Neilson*, then presented to the House a Bill, to facilitate a legal remedy to persons having claims against Her Majesty's Provincial Government; which was received, and read for the first time.

*Ordered* — That the said Bill be read a second time on *Monday* next.

On motion of Mr. *Hincks*, seconded by Mr. *Roblin*,

Commission appointed to take evidence on contested Election for 2nd Riding of York.

*Resolved* — That this House do nominate and appoint, under the hand and seal of the Speaker, three Commissioners, for the purpose of examining the Witnesses of the Parties in the matter of the controverted election for the second Riding of the County of *York*; and that *Lawrence Heyden*, of the Township of *Whitby*, *John Ridout*, Esquire, of the City of *Toronto*, and *John Barnhart*, Esquire, of *Streetsville*, be such Commissioners; who shall be authorized and empowered to hold their sittings at *Streetsville*, on *Saturday* next the 21st. instant, with *John Ridout*, Esquire, as chairman of the said Commission.

On motion of Mr. *Hincks*, seconded by Mr. *Merritt*,

Message sent to Legislative Council praying leave for Hon. J. Macaulay to attend a Committee.

*Resolved* — That a Message be sent to the Legislative Council praying their Honors will permit the Honourable *John Macaulay*, to attend the Select Committee to which is referred so much of the Message of His Excellency the Governor General as relates to the estimates for the year ending the 31st of *December* 1841, together with the documents connected therewith, — to-morrow, the 19th instant, at 11 o'clock, A. M., to be examined on the subject of the said reference.

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*Ordered* — That Mr. *Hincks*, do carry the said Message to the Legislative Council, and desire their concurrence.

On motion of Mr. *Roblin*, seconded by Mr. *Hincks*,

Leave granted to Committee on Election for 2nd Riding of York to adjourn to 1st Sept.

*Ordered* — That the Committee appointed to try the merits of the Petitions of divers electors of the Second Riding of the County of *York*, and of *Connell James Baldwin*, Esquire, complaining of the undue election and return of *George Duggan*, Esquire, the sitting Member for the said Second Riding of the County of *York*, have leave to adjourn until *Wednesday*, the 1st of *September* next.

Return of Militia Fines laid before the House.

The Honourable *S. B. Harrison*, presented, pursuant to an address of the House of Assembly of the 19th. of *July* last, a return on the subject of the fines and exempt monies received by commanding Officers of Militia.

For said return see Appendix (A. A.)

200 copies of Return to be printed.

*Ordered* — That 200 copies of the said return be printed, for the use of the Members of this House.

On motion of Mr. *Parke*, seconded by the Honourable Mr. *Harrison*,

House to go in Committee of whole, to-morrow, on Despatch on Emigration.

*Resolved* — That this House will, on to-morrow, resolve itself into a Committee of the whole House, to take into consideration that part of the Message of His Excellency the Governor General, transmitted to this House on the 14th of July last, which relates to the despatch of Lord John Russell, on the subject of Emigration, and the raising of a Fund to defray the expenses of providing Medical attendance for sick Emigrants, and of enabling indigent persons of that description to reach their place of destination, and providing for their support until they can procure employment.

Mr. Harrison said the bill was to enable them to take advantage of the offer of the Imperial Parliament, which was to expend £8000 per annum, on emigration to Canada, providing a bill passed the Colonial Legislature on the subject.<sup>5</sup>

Mr. Merritt hoped that when the subject came before the house in committee of the whole to-morrow, the government would be prepared to explain the views it entertained with respects to emigrants. It deserved the most serious consideration, being a channel through which large sums have been expended by the colony.<sup>6</sup>

Committee on Currency & Banking present 3rd. report, with Bill to amend Usury Laws, Report.

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Mr. Hincks, from the select Committee on Currency and Banking, with power to report from time to time, by Bill or otherwise, presented to the House the third report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

"Your Committee having taken up, as part of the subject referred to them, the consideration of the Laws for the prevention of usury, they have come to the conclusion, that these Laws are in many cases productive of results contrary to the object for which they were enacted, by either preventing money from being obtained by those to whom it is most important to obtain it, or obliging them to have recourse to persons who demand an exorbitant rate of interest for the risk they run in violating the Law. The want of Capital in this Province, and the many advantageous modes in which money can be invested in it, so as to afford a profit far exceeding the legal rate of interest, — the fact that the rate of interest allowed by Law in the neighbouring states, is higher than that allowed to be taken in this Province, and the circumstance of the Legislature itself having, in a portion of the Province, virtually repealed the usury Laws in certain cases, by allowing money to be borrowed for Public improvements at any rate of interest, having had their weight with the Committee : — nor have they been unmindful of the alleged immoral tendency of the said Laws, in holding out temptation to one of the parties to break the engagement he contracts. The majority of the Committee have not, however, been willing to go further than to repeal the said Laws in as far as relates to Mercantile transactions of a certain description ; for carrying into effect what they believe to be an amendment of the Law to this extent, they have prepared a Bill, which they beg leave to submit to the consideration of Your Honourable House."

Bill to amend the Usury laws brought in.

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Mr. Hincks then presented to the House a Bill, to exempt certain mercantile transactions from the operation of the Laws for the prevention of usury, which was received, and read for the first time.

*Ordered* — That the said Bill be read a second time on Monday next.

On motion of Mr. Neilson, seconded by Mr. Dunscomb.

House in Committee on Message from Legislative Council with Address to His Excellency on Petitions on Timber Duties.

*Resolved* — That the Message from the Legislative Council of the 12th instant, accompanied by an Address to His Excellency, the Governor General, praying that His Excellency will be pleased to transmit the Petitions of both Houses to Her Majesty, and the two Houses of the Imperial Parliament, on the subject of the Timber duties, be now taken into consideration.

The House proceeded accordingly to take the said Message and Address into consideration,

And the same were severally read.

Resolution concurring in the address.

*Resolved* — That this House doth concur with the Legislative Council in the Address to His Excellency the Governor General, praying that His Excellency will be pleased to transmit the joint Petitions of both Houses to Her Majesty, and the two Houses of the Imperial Parliament, on the subject of the Timber duties.

*Resolved* — That Mr. Speaker do sign the said Address, on behalf of this House, and that it be returned to the Legislative Council.

*Resolved* — That the preceding Resolution be communicated, by Message, to the Legislative Council.

*Ordered* — That Mr. Neilson do carry the said message to the Legislative Council.

Bill to compel Candidates at Elections to declare their qualifications, brought in.

*Ordered* — That Mr. Morris, have leave to bring in a Bill to compel all candidates, at any future elections for Members of the Legislative Assembly, to make and subscribe detailed declarations of the property by them possessed, and under which they qualify.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time, on Monday next.

On motion of Mr. Black seconded by Mr. Thorburn.

*Resolved* — That this House will, on Wednesday next, resolve itself into a Committee of the whole House, on the Ordinance of the Legislature of *Lower Canada*, passed in the 4th year of Her Majesty's Reign intituled "*An Ordinance to provide for the improvement of certain Roads in the neighbourhood of, and leading to, the City of Quebec, and to raise a fund for that purpose,*" with a view to ascertain how far it is expedient to extend the provisions of the said Ordinance to a certain Road on the North side of the River St. Charles.

*Ordered* — That the Petition of James Black, and others, of Quebec presented to the House on the 12th instant, be referred to the said Committee.

On motion of Mr. Williams, seconded by Mr. Small.

*Ordered* — That the amendment made by the Legislative Council, to the Bill intituled "*An Act to enable Religious Societies of all denominations of Christians to hold the lands requisite for certain purposes therein mentioned,*" be now taken into consideration.

The House proceeded accordingly to take the said amendments into consideration. — And the said amendments were read as followeth : —

IN THE TITLE :

Line 1. — After "to" expunge the remainder of the Title, and insert "provide for the relief of certain Religious Societies."

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IN THE BILL :

Line 1. — After "Whereas," expunge the remainder of the Bill, and insert "by an Act of the Parliament of that part of the Province of Canada, heretofore called *Upper Canada*, passed in the ninth year of the Reign of His late Majesty King GEORGE the Fourth, intituled, "*An Act for the relief of Religious Societies therein mentioned,*" after reciting that Religious Societies of various denominations of *Christians* found difficulty in securing the Titles of Land requisite for the site of a Church, Meeting House, or Chapel, or burying ground, for want of a corporate capacity to take and hold the same in perpetual succession ; and that it was expedient to provide some safe and adequate relief in such cases, — It was enacted, that whenever any Religious Congrega-

House to go into Committee of whole on Wednesday, on Ordinance respecting Quebec roads.

Petition of J. Black & others referred to same Committee.

Amendments of Leg. Coun. to Religious Societies' Lands Bill taken into consideration.

Amendments.

Amendments.



tion or Society of Presbyterians, Lutherans, Calvinists, Methodists, Congregationalists, Independents, Anabaptists, Quakers, Menonists, Tunkers, or Moravians, should have occasion to take a conveyance of land for any of the uses aforesaid, it should and might be lawful for them to appoint Trustees to whom, and their successors, to be appointed in such manner as should be specified in the Deed, the land requisite for all or any of the purposes aforesaid, might be conveyed, and such Trustees and their successors in perpetual succession, by the name expressed in such Deed, should be capable of taking, holding, and possessing, such land, and of commencing and maintaining any action or actions in Law or Equity, for the protection thereof, and of their right thereto, — And it was further enacted that there should not be held in trust, for the purposes aforesaid, more than five acres of land for any one congregation : *And Whereas* it is expedient to extend the relief afforded by the said recited Act, as well to the Societies named therein, as to all other Societies of professing *Christians* of every denomination ; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of *Canada*, constituted and assembled by virtue of, and under the authority of, an Act passed in the Parliament of the United Kingdom of *Great Britain and Ireland*, intituled "*An Act to Reunite the Provinces of Upper and Lower Canada and for the Government of Canada*" — and it is hereby enacted, by the authority of the same, that from and after the passing of this Act it shall and may be lawful for the Chancellor, Vice Chancellor, or other, the person administering the duties of the Judge of the High Court of Chancery in this Province, upon the Petition of the Minister, Wardens, Deacons, or other, the parties holding office in any congregation of professing Christians of any denomination, setting forth the peculiar tenets of the society to which they respectively belong, together with the number of the Congregation composing the said Society, and the Township or place in which they intend respectively to congregate, and upon proof of the several facts contained in such Petition, to grant unto such Minister, Wardens, Deacons, or others, the parties holding office in any such Congregation, not being fewer than three in number, a license or permisison, under the seal of the said Court, to hold to them and their successors in perpetual succession, for ever, in Mortmain, by the name expressed in such license or permission, any quantity of Land requisite for the site of a Church, Meeting House or Chapel, Burying Ground, residence for the Minister, Priest or religious Teacher, or other person administering the religious duties of such Congregation and School Houses, and the appurtenances thereunto which may be necessary for the said several purposes, to be specified in such Petition, provided that there shall not be held in trust for the purposes aforesaid, under any such license, or permission, as aforesaid, more than ten acres of land for any one Congregation.

2. And be it enacted, that under or by virtue of such license or

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permission, it shall and may be lawful for such Trustees to accept and take a conveyance to them and their successors, in Mortmain, of the lands to be mentioned and set forth in such Petition as aforesaid, and they and their successors, in perpetual succession, by the name expressed in such license or permission, shall, by virtue of such license or permission, be capable of holding and possessing such land in Mortmain, for ever, and of commencing and maintaining any action or actions, at Law or in Equity, for the protection thereof, and of their right thereto : Provided always, and be it enacted, that it shall not be lawful for the Chancellor, Vice Chancellor, or other, the person administering the duties of the Judge of the High Court of Chancery in this Province, to grant any such license or permission for the benefit of any such Society as aforesaid, whose numbers, at the time of application to the said Court, shall not amount at least to fifty heads of families.

3. And be it enacted, that the Minister, Wardens, Deacons, or other parties holding office in any such congregation, to whom any such license or permission shall be granted, as aforesaid, shall, within twelve months after execution of any Deed whereby such land shall be conveyed to them under or by virtue of such license or permission, shall cause the same to be registered in the office of the Registrar of the County in which the land shall happen to lie.

4. And be it enacted, that this Act shall be in force and effect, and extend only to that part of the Province of *Canada* formerly known as *Upper Canada*.

Engrossed amendments.

Attest,

JAMES FITZGIBBON,  
Clerk Leg. Council.

On motion of Mr. *Williams*, seconded by Mr. *Small*,

*Resolved* — That the said amendments be referred to a Select Committee, composed of Mr. *Small*, Mr. *Hincks*, Mr. *Boswell*, and Mr. *Price*, to report thereon with all convenient speed; with power to send for persons, papers and records.

Amendments referred  
to Select Committee.

Message from Leg.  
Council.

A Message from the Legislative Council by *John Godfrey Spragge*, Esquire, Master in Chancery.

Leave granted to Hon.  
J. Macaulay to attend  
select Committee.

LEGISLATIVE COUNCIL, WEDNESDAY, 18th AUGUST, 1841.

*Ordered* — That the Master in Chancery do go down to the Legislative Assembly, and acquaint that House that the Legislative Council to give leave to the Honourable *John Macaulay* to attend the Select Committee, to whom is referred so much of the Message of His Excellency, the Governor General, as relates to the Estimates for the year ending 31st December, 1841, together with the documents connected therewith, to-morrow, the 19th instant, at 11 o'clock in the forenoon, for the purpose of being examined on the subject of the said reference, if he thinks fit.

And then he withdrew.

Amendments to Bill  
to enable all denomi-  
nations of Christians  
to solemnize marriage,  
to be considered on  
Wednesday.

On motion of Mr. *Small*, seconded by Mr. *Williams*,

*Ordered* — That the amendments made by the Legislative Council to the Bill intituled "*An Act to enable the Ministers of all denominations of Christians to solemnize Marriage, under certain restrictions*," be taken into consideration on *Wednesday* next.

Amendments to Bill  
to amend Mutual  
Insurance Act of  
Lower Canada taken  
into consideration.

On motion of the Honourable Mr. *Viger*, seconded by Mr. *Parent*,

*Ordered* — That the amendments made by the Legislative Council to the Bill intituled "*An Act to amend an Act of the Legislature of*

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*"Lower Canada, relative to the establishment of Mutual Fire Insurance Companies,"* be now taken into consideration.

The House proceeded accordingly, to take the said amendments into consideration,

Amendments.

And the said amendments were read, and are as followeth: —

Press. 1, Line 24. — After "*Rouville*," insert "*Beauharnois*."

Press. 1, Line 24. — After "*them*" insert "*and it shall be lawful for the Mutual Fire Insurance Companies for the Counties of Sherbrooke, and Stanstead, if they shall deem it expedient, to admit, as a member of the said Company, the owner of any property situate within either of the Counties of Shefford or Drummond.*"

Press. 1, Line 27. — After "*Montreal*," insert "*or within either of the said counties of Sherbrooke or Stanstead.*"

Press. 1, Line 28. — After "*of*" insert "*either of*," for "*Company*" insert "*Companies.*"

Press. 1, Line 30. — For "*the said Company*" insert "*either of the said Companies.*"

Engrossed amendments.

Attest,

JAMES FITZGIBBON,  
Clerk Leg. Council.

Amendments  
agreed to.

And the said amendments being again read, they were agreed to by the House.

*Ordered* — That the Honourable Mr. *Viger* do carry back the said Bill to the Legislative Council, and acquaint their Honors that this House hath agreed to their amendments.

Subject of remunerating the Speaker referred to contingent Committee.

On motion of Mr. *Henry Smith*, seconded by Mr. *Black*,  
*Ordered* — That the subject of the remuneration to the Speaker of the late House of Assembly of *Upper Canada*, be referred to the Special Committee on the contingent accounts and expenses of the present Session, with Instructions to inquire into and report to this House on that subject.<sup>7</sup>

**Mr. Hincks** opposed this, considering that it should be brought before a committee of the whole house.<sup>8</sup>

**Mr. Harrison** said the case was an uncommon one, the Speaker had received his salary during the four years of the Parliament's duration, (he was also understood to say that an additional sum more had been voted to him), the Parliament had died a natural death, consequently the Speaker together with its members expired with it, leaving a blank between that period, and the birth of the present parliament, by virtue of the Union Act.<sup>9</sup>

**Messrs. Thorburn** and **Dunn** supported it....<sup>10</sup>

**Mr. Johnston** trusted that the country possessed liberality enough to reward the gallant Knight ((Sir Allan MacNab)) as he deserved.<sup>11</sup>

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House in Committee on remunerating witnesses.

On motion of Mr. *Thorburn*, seconded by Mr. *Johnston*.  
*Resolved* — That the House do now resolve itself into a Committee of the whole House, to take into consideration the propriety and expediency of paying or remunerating individuals; that may be called upon under and by authority of the House to give evidence.

The House accordingly resolved itself into the said Committee.  
Mr. *Johnston* took the chair of the Committee,

and after some time spent therein,

Mr. Speaker resumed the chair,

Resolution reported.

And Mr. *Johnston* reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:—

Resolution for payment of witnesses on recommendation of the contingent Committee.

*Resolved* — That it is expedient that no payment or remuneration be made or allowed to any person, who may give evidence under or by authority of the House of Assembly, unless the same be reported upon from the Committee on the contingent accounts and expenses of the present Session, and such reports be agreed to by the House.

Amendments of Committee of whole to U. C. District Council, Bill reported.

Mr. *Cook*, from the Committee of the whole House, on the Bill to provide for the better internal Government of that part of the Province heretofore *Upper Canada*, by the establishment of local or Municipal authorities therein, and on the instruction given to the said Committee, reported according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's Table.

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Motion that question of concurrence be put thereon.

The Honourable Mr. *Harrison* moved, seconded by Mr. Solicitor General *Day*,

That the question of concurrence be now separately put upon the said amendments.

Motion to postpone the same 'till to-morrow.

Mr. *Aylwin*, moved, seconded by Mr. *Baldwin*.

That the consideration of the said motion be postponed until to-morrow, and that it be then the first order of the day.



**Mr. Aylwin** moved the postponement of the municipal bill till to-morrow saying that he was preparing that kind of *moderate* opposition, so much more calculated to be effective than that which was characterized throughout by heat and zeal.<sup>12</sup>

**Mr. Price** made some remarks stating that he had been sick, and consequently obliged to leave the house last night at 11 o'clock, when the bill was in committee. His determination, he said, was to oppose every clause "clause by clause," and treat the house to as many speeches as he could muster.<sup>13</sup>

**Mr. Hincks** said, were they to have a second discussion upon every clause *seriatim*. (Yes, yes.) He could not understand the conduct of some honourable members — the third reading of the bill was the proper time for their opposition, let them defer it till then if they could contain their spleen so long!<sup>14</sup>

**Mr. Harrison** ... insisted upon the question of concurrence being put on the clauses of the bill, and carried his point...<sup>15</sup>

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The House divided on the question, and the names being called for, they were taken down, as followeth : —

YEAS.

<i>Armstrong,</i>	<i>Burnet,</i>	<i>McDonald, (Glen.)</i>	<i>Price,</i>
<i>Aylwin,</i>	<i>Cartwright,</i>	<i>McLean,</i>	<i>Sherwood,</i>
<i>Baldwin,</i>	<i>Christie,</i>	<i>Merritt,</i>	<i>Taché,</i>
<i>Barthe,</i>	<i>Cook,</i>	<i>Morin,</i>	<i>Turcotte,</i>
<i>Berthelot,</i>	<i>Durand,</i>	<i>Neilson,</i>	<i>Viger, Hon. D.B.</i>
<i>Borne,</i>	<i>Johnston,</i>	<i>Parent,</i>	<i>Woods. — 25.</i>
<i>Boutillier,</i>			

NOES.

<i>Black,</i>	<i>Dunscomb,</i>	<i>McCulloch,</i>	<i>Ruel,</i>
<i>Buchanan,</i>	<i>Foster,</i>	<i>McDonald, (Pres.)</i>	<i>Simpson,</i>
<i>Cameron,</i>	<i>Gilchrist,</i>	<i>Moore,</i>	<i>Small,</i>
<i>Daly, Hon. D.</i>	<i>Hale,</i>	<i>Morris,</i>	<i>Smith, (Went.)</i>
<i>Delisle,</i>	<i>Harrison, Hon. S.B.</i>	<i>Ogden, Hon. C.R.</i>	<i>Steele,</i>
<i>Derbishire,</i>	<i>Hincks,</i>	<i>Parke,</i>	<i>Taschereau,</i>
<i>De Salaberry,</i>	<i>Holmes,</i>	<i>Powell,</i>	<i>Thompson,</i>
<i>Draper, Hon. W.H.</i>	<i>Hopkins,</i>	<i>Quesnel,</i>	<i>Watts. — 35.</i>
<i>Dunn, Hon. J.H.</i>	<i>Killaly, Hon. H.H.</i>	<i>Roblin,</i>	

Question of postpone-  
ment lost.

Amendment moved,  
to re-commit the Bill.

So it passed in the Negative.

**Mr. Baldwin**, then moved, in amendment to the main motion, seconded by **Mr. Price**,

That all the words after "that" be struck out and the following substituted "the said Bill be recommitted, with instruction to the Committee to limit the jurisdiction of the local authorities thereby proposed to be established, to Counties and Ridings."

The House divided on the motion of amendment, and the names being called, for they were taken down as followeth : —

YEAS.

<i>Armstrong,</i>	<i>Boutillier,</i>	<i>McLean,</i>	<i>Ruel,</i>
<i>Aylwin,</i>	<i>Cartwright,</i>	<i>Merritt,</i>	<i>Taché,</i>
<i>Baldwin,</i>	<i>Christie,</i>	<i>Morin,</i>	<i>Turcotte,</i>
<i>Barthe,</i>	<i>Cook,</i>	<i>Neilson,</i>	<i>Viger, Hon. D.B.</i>
<i>Berthelot,</i>	<i>Johnston,</i>	<i>Parent,</i>	<i>Williams. — 23.</i>
<i>Borne,</i>	<i>McDonald, (Glen.)</i>	<i>Price,</i>	

NOES.

<i>Buchanan,</i>	<i>Dunscomb,</i>	<i>McDonald, (Pres.)</i>	<i>Simpson,</i>
<i>Cameron,</i>	<i>Foster,</i>	<i>Moore,</i>	<i>Small,</i>
<i>Child,</i>	<i>Gilchrist,</i>	<i>Morris,</i>	<i>Smith, (Went.)</i>

<i>Crane,</i>	<i>Hale,</i>	<i>Ogden, Hon. C.R.</i>	<i>Sherwood,</i>
<i>Daly, Hon. D.</i>	<i>Harrison, Hon. S.B.</i>	<i>Parke,</i>	<i>Steele,</i>
<i>Delisle,</i>	<i>Hincks,</i>	<i>Powell,</i>	<i>Taschereau,</i>
<i>Derbshire,</i>	<i>Holmes,</i>	<i>Quesnel,</i>	<i>Thorburn,</i>
<i>De Salaberry,</i>	<i>Hopkins,</i>	<i>Robertson,</i>	<i>Watts,</i>
<i>Draper, Hon. W.H.</i>	<i>Killaly, Hon. H.H.</i>	<i>Roblin,</i>	<i>Woods. — 38.</i>
<i>Dunn, Hon. J.H.</i>	<i>McCulloch,</i>		

Amendment lost.

So it passed in the Negative.

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Main motion put.

The question being then put upon the main motion, the House divided thereon, and the names being called for, they were taken down, as followeth : —

## YEAS.

<i>Buchanan,</i>	<i>Dunn, Hon. J.H.</i>	<i>Killaly, Hon. H.H.</i>	<i>Robertson,</i>
<i>Cameron,</i>	<i>Dunscomb,</i>	<i>McCulloch,</i>	<i>Simpson,</i>
<i>Child,</i>	<i>Foster,</i>	<i>McDonald, (Pres.)</i>	<i>Small,</i>
<i>Crane,</i>	<i>Gilchrist,</i>	<i>Moore,</i>	<i>Smith, (Went.)</i>
<i>Daly, Hon. D.</i>	<i>Hale,</i>	<i>Morris,</i>	<i>Steele,</i>
<i>Delisle,</i>	<i>Harrison, Hon. S.B.</i>	<i>Ogden, Hon. C.R.</i>	<i>Taschereau,</i>
<i>Derbshire,</i>	<i>Hincks,</i>	<i>Parke,</i>	<i>Thorburn,</i>
<i>De Salaberry,</i>	<i>Holmes,</i>	<i>Powell,</i>	<i>Watts,</i>
<i>Draper, Hon. W.H.</i>	<i>Hopkins,</i>	<i>Quesnel,</i>	<i>Williams. — 36.</i>

## NOES.

<i>Armstrong,</i>	<i>Boutillier,</i>	<i>Morin,</i>	<i>Sherwood,</i>
<i>Aylwin,</i>	<i>Christie,</i>	<i>Neilson,</i>	<i>Taché,</i>
<i>Baldwin,</i>	<i>Cook,</i>	<i>Parent,</i>	<i>Turcotte,</i>
<i>Barthe,</i>	<i>Johnston,</i>	<i>Price,</i>	<i>Viger, Hon. D.B.</i>
<i>Berthelot,</i>	<i>McDonald, (Glen.)</i>	<i>Roblin,</i>	<i>Woods. — 23.</i>
<i>Borne,</i>	<i>McLean,</i>	<i>Ruel,</i>	

Main motion carried.

So it was carried in the Affirmative.

1st. Amendment put.

And the first of the said amendments being again read, and the question being put thereon, the House divided, and the names being called for, they were taken down as followeth : —

## YEAS.

<i>Armstrong,</i>	<i>Draper, Hon. W.H.</i>	<i>McDonald, (Pres.)</i>	<i>Small,</i>
<i>Aylwin,</i>	<i>Dunn, Hon. J.H.</i>	<i>McDonald, (Glen.)</i>	<i>Smith, (Went.)</i>
<i>Baldwin,</i>	<i>Dunscomb,</i>	<i>McLean,</i>	<i>Steele,</i>
<i>Berthelot,</i>	<i>Durand,</i>	<i>Moore,</i>	<i>Taché,</i>
<i>Borne,</i>	<i>Foster,</i>	<i>Morin,</i>	<i>Taschereau,</i>
<i>Boutillier,</i>	<i>Gilchrist,</i>	<i>Ogden, Hon. C.R.</i>	<i>Thompson,</i>
<i>Buchanan,</i>	<i>Hale,</i>	<i>Parent,</i>	<i>Thorburn,</i>
<i>Child,</i>	<i>Harrison, Hon. S.B.</i>	<i>Parke,</i>	<i>Turcotte,</i>
<i>Christie,</i>	<i>Holmes,</i>	<i>Powell,</i>	<i>Viger, Hon. D.B.</i>
<i>Crane,</i>	<i>Hopkins,</i>	<i>Price,</i>	<i>Watts,</i>
<i>Delisle,</i>	<i>Johnston,</i>	<i>Quesnel,</i>	<i>Williams,</i>
<i>Derbshire,</i>	<i>Killaly, Hon. H.H.</i>	<i>Robertson,</i>	<i>Woods. — 51.</i>
<i>De Salaberry,</i>	<i>McCulloch,</i>	<i>Simpson,</i>	

## NOES.

<i>Barthe,</i>	<i>Neilson,</i>	<i>Roblin,</i>	<i>Sherwood. — 5.</i>
<i>Cook,</i>			

1st. Amendment carried.

So it was carried in the Affirmative.

2d. and 3rd. amendants (sic) carried

The second and third of the said amendment being again severally read, and the question being separately put thereon, they were agreed to by the House.

4th. Amendment read.

The fourth of the said amendments being again read,

Amendment moved thereto.

Mr. Baldwin, moved in amendment thereto, seconded by Mr. Price, That all the words after "that" in the first line of the 26th clause, be struck out, and the following substituted "there shall be a Clerk of

"the Council for every such District, who shall be appointed from time to time by every such Council, and shall be removeable at any time by such Council."

(374)

The House divided on the proposed amendment, and the names being called for, they were taken down, as followeth : —

## YEAS.

<i>Armstrong,</i>	<i>Christie,</i>	<i>Moffatt, Hon. G.</i>	<i>Sherwood,</i>
<i>Baldwin,</i>	<i>Cook,</i>	<i>Morin,</i>	<i>Taché,</i>
<i>Barthe,</i>	<i>Durand,</i>	<i>Neilson,</i>	<i>Turcotte,</i>
<i>Berthelot,</i>	<i>McDonald, (Glen.)</i>	<i>Parent,</i>	<i>Viger, Hon. D.B.</i>
<i>Borne,</i>	<i>McLean,</i>	<i>Price,</i>	<i>Woods. — 21.</i>
<i>Boutillier,</i>			

## NOES.

<i>Buchanan,</i>	<i>Dunscomb,</i>	<i>McCulloch,</i>	<i>Small,</i>
<i>Cameron,</i>	<i>Foster,</i>	<i>Moore,</i>	<i>Smith, (Went.)</i>
<i>Child,</i>	<i>Hale,</i>	<i>Ogden, Hon. C.R.</i>	<i>Steele,</i>
<i>Crane,</i>	<i>Harrison, Hon. S.B.</i>	<i>Parke,</i>	<i>Taschereau,</i>
<i>Daly, Hon. D.</i>	<i>Hincks,</i>	<i>Quesnel,</i>	<i>Thompson,</i>
<i>Delisle,</i>	<i>Holmes,</i>	<i>Robertson,</i>	<i>Thorburn,</i>
<i>Derbshire,</i>	<i>Hopkins,</i>	<i>Roblin,</i>	<i>Watts,</i>
<i>De Salaberry,</i>	<i>Killaly, Hon. H.H.</i>	<i>Simpson,</i>	<i>Williams. — 33.</i>
<i>Draper, Hon. W.H.</i>			

Lost.

So it passed in the Negative.

4th. Amendment carried.

The question being then put on the said fourth amendment it was agreed to by the House.

Ques. of concurrence put on remaining amendments.

The residue of the said amendments being again severally read, and the question being separately put thereon,

The House divided upon each, and the names being called for, they were taken down, as followeth : —

## YEAS.

<i>Buchanan,</i>	<i>Dunscomb,</i>	<i>McCulloch,</i>	<i>Small,</i>
<i>Cameron,</i>	<i>Foster,</i>	<i>Moore,</i>	<i>Smith, (Went.)</i>
<i>Child,</i>	<i>Hale,</i>	<i>Ogden, Hon. C.R.</i>	<i>Steele,</i>
<i>Crane,</i>	<i>Harrison, Hon. S.B.</i>	<i>Parke,</i>	<i>Taschereau,</i>
<i>Daly, Hon. D.</i>	<i>Hincks,</i>	<i>Quesnel,</i>	<i>Thompson,</i>
<i>Delisle,</i>	<i>Holmes,</i>	<i>Robertson,</i>	<i>Thorburn,</i>
<i>Derbshire,</i>	<i>Hopkins,</i>	<i>Roblin,</i>	<i>Watts,</i>
<i>De Salaberry,</i>	<i>Killaly, Hon. H.H.</i>	<i>Simpson,</i>	<i>Williams. — 33.</i>
<i>Draper, Hon. W.H.</i>			

## NOES.

<i>Armstrong,</i>	<i>Christie,</i>	<i>Moffatt, Hon. G.</i>	<i>Sherwood,</i>
<i>Baldwin,</i>	<i>Cook,</i>	<i>Morin,</i>	<i>Taché,</i>
<i>Barthe,</i>	<i>Durand,</i>	<i>Neilson,</i>	<i>Turcotte,</i>
<i>Berthelot,</i>	<i>McDonald, (Glen.)</i>	<i>Parent,</i>	<i>Viger, Hon. D.B.</i>
<i>Borne,</i>	<i>McLean,</i>	<i>Price,</i>	<i>Woods. — 21.</i>
<i>Boutillier,</i>			

So they were carried in the Affirmative, and —

*Resolved* — That this House doth concur with the Committee in the said amendments.

The Honourable Mr. *Harrison* moved, seconded by Mr. Attorney General *Draper*,

That the said Bill, as amended, be engrossed, and read for the third time to-morrow.

Remaining amendments concurred in.

Motion that the Bill be engrossed.



(375)

Amendment moved.

Mr. Baldwin moved in amendment, seconded by Mr. Price,

That all the words in the said motion after "that" be struck out, and the following substituted: "the fourth clause of the said Bill be amended, as follows: between the word 'that,' and the word 'it,' in 'the beginning of the said clause, insert the following words: 'until the first Monday in January, in the year of our Lord, 1845'."

The House divided on the motion of amendment, and the names being called for, they were taken down, as followeth: —

## YEAS.

Armstrong,	Christie,	McLean,	Parent,
Baldwin,	Cook,	Merritt,	Price,
Barthe,	Durand,	Moffatt,	Hon. G. Roblin,
Berthelot,	Johnston,	Morin,	Thorburn,
Borne,	McDonald, (Glen.)	Neilson,	Viger, Hon. D.B.
Boutillier,			(21.)

## NOES.

Buchanan,	Dunn, Hon. J.H.	Hopkins,	Simpson,
Cameron,	Dunscomb,	Killaly, Hon. H.H.	Small,
Child,	Foster,	McCulloch,	Smith, (Went.)
Crane,	Gilchrist,	McDonald, (Pres.)	Steele,
Daly, Hon. D.	Hale,	Moore,	Taschereau,
Delisle,	Harrison, Hon. S.B.	Parke,	Thompson,
Derbishire,	Hincks,	Powell,	Watts,
De Salaberry,	Holmes,	Robertson,	Woods. — 33.
Draper, Hon. W.H.			

Amendment lost.

Another amendment moved.

So it passed in the negative.

Mr. Baldwin then moved, in amendment to the main motion, seconded by Mr. Price,

That all the words after "that," in the said motion, be struck out, and the following substituted: "the eighth clause of the said Bill be amended, by striking out the words 'Three hundred inhabitants and householders in such assessment list, as aforesaid,' and inserting, in "lieu thereof, the words 'three thousand souls'."

The House divided on the motion of amendment.

Yeas, 21.

Noes, 33.

And the names being called for, they were taken down as in the last preceding division.

Amendment lost.

Another amendment moved.

So it passed in the Negative.

Mr. Baldwin then moved, in amendment to the main motion, seconded by Mr. Price,

That all the words after "that," in the said motion, be struck out, and the following substituted: "the following clause be added to the said Bill, and do follow the 22d clause: —

"And be it enacted, that the meetings of the Councils of each District established in that part of this Province heretofore constituting the Province of *Lower Canada*, under and by virtue of a certain Ordinance of the Special Council of that Province, passed in the Fourth year of Her Majesty's Reign, intituled '*An Ordinance for the better internal Government of this Province, by the establishment of Local or Municipal Authorities therein*,' shall be open to the public, in like manner as is herein provided in respect of the Councils to be established, under the authority of this Act, in that part of this Province, heretofore constituting the Province of *Upper Canada*; and all such meetings may

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be held at the place now appointed for holding such meetings, or at such other places as such Councils, respectively, shall, at their Session

to be held in the month of *December* next, nominate and appoint, within their respective Districts."

The House divided on the motion of amendment.

Yeas, 21.

Noes, 33.

And the names being called for, they were taken down as in the last preceding division.

Amendment lost.

So it passed in the Negative.

Another amendment moved.

Mr. *Baldwin* then moved, in amendment to the main motion, seconded by Mr. *Price*,

That all the words after "that," in the said motion, be struck out, and the following substituted: "the 32d clause of the said Bill be amended, by inserting the words 'by each of such Councils' between the word 'appointed' and the word 'at,' in the beginning of the said clause, and expunging the words 'one of whom shall be appointed by the Warden of the District, and the other elected by the Council.'"

The House divided on the motion of amendment, and the names being called for, they were taken down as followeth:—

# YEAS.

<i>Armstrong,</i>	<i>Boutillier,</i>	<i>Durand,</i>	<i>Parent,</i>
<i>Baldwin,</i>	<i>Cartwright,</i>	<i>Johnston,</i>	<i>Price,</i>
<i>Barthe,</i>	<i>Christie,</i>	<i>Morin,</i>	<i>Turcotte,</i>
<i>Berthelot,</i>	<i>Cook,</i>	<i>Neilson,</i>	<i>Viger, Hon. D.B.</i>
<i>Borne,</i>			(17.)

# NOES.

<i>Buchanan,</i>	<i>Dunn, J. H.</i>	<i>Hopkins,</i>	<i>Simpson,</i>
<i>Cameron,</i>	<i>Dunscomb,</i>	<i>Killaly, Hon. H.H.</i>	<i>Small,</i>
<i>Child,</i>	<i>Foster,</i>	<i>McCulloch,</i>	<i>Smith, (Went.)</i>
<i>Crane,</i>	<i>Gilchrist,</i>	<i>McDonald (Pres.)</i>	<i>Steele,</i>
<i>Daly, Hon. D.,</i>	<i>Hale,</i>	<i>Moore,</i>	<i>Taschereau,</i>
<i>Delisle,</i>	<i>Harrison, Hon. S.B.</i>	<i>Parke,</i>	<i>Thompson,</i>
<i>Derbshire,</i>	<i>Hincks,</i>	<i>Powel,</i>	<i>Thorburn,</i>
<i>De Salaberry,</i>	<i>Holmes,</i>	<i>Robertson,</i>	<i>Watts. — 33.</i>
<i>Draper, Hon. W.H.</i>			

Amendment lost.

So it passed in the Negative.

Another amendment moved.

Mr. *Baldwin* then moved, in amendment to the main motion, seconded by Mr. *Price*,

That all the words after "that," in the said motion be struck out, and the following substituted: "the 39th clause of the said Bill be amended by striking out the words 'but it shall be lawful for any District Council, by any such By-Law as aforesaid, to direct that the wild lands within the District, shall be rated and assessed, for such parts of the sum to be raised under such By-Law, as to the Council shall seem expedient,' and inserting, in lieu thereof, the words 'and upon such wild lands equally, in proportion to the actual value of such lands, such value to be ascertained and adjudged (subject to appeal, by the party interested, to such District Council) by the assessors of the several Townships, who, before they enter upon the discharge of such duty, shall be sworn well and truly to ascertain and adjudge the same impartially; which oath any Justice of the Peace of such District, is hereby authorized to administer'."

(377)

The House divided on the motion of amendment, and the names being called for, they were taken down as followeth:—

## YEAS.

<i>Armstrong,</i>	<i>Cartwright,</i>	<i>McLean,</i>	<i>Sherwood,</i>
<i>Baldwin,</i>	<i>Christie,</i>	<i>Morin,</i>	<i>Taché,</i>
<i>Barthe,</i>	<i>Cook,</i>	<i>Neilson,</i>	<i>Turcotte,</i>
<i>Berthelot,</i>	<i>Durand,</i>	<i>Parent,</i>	<i>Viger, Hon. D.B.</i>
<i>Borne,</i>	<i>Hincks,</i>	<i>Price,</i>	<i>Williams. — 22.</i>
<i>Boutillier,</i>	<i>Johnston,</i>		

## NOES.

<i>Buchanan,</i>	<i>Draper, Hon. W.H.</i>	<i>Killaly, Hon. H.H.</i>	<i>Small,</i>
<i>Cameron,</i>	<i>Dunscomb,</i>	<i>McCulloch,</i>	<i>Smith, (Went.)</i>
<i>Child,</i>	<i>Foster,</i>	<i>McDonald, (Pres.)</i>	<i>Steele,</i>
<i>Crane,</i>	<i>Gilchrist,</i>	<i>Moore,</i>	<i>Taschereau,</i>
<i>Daly, Hon. D.</i>	<i>Hale,</i>	<i>Ogden, Hon. C.R.</i>	<i>Thompson,</i>
<i>Delisle,</i>	<i>Harrison, Hon. S.B.</i>	<i>Parke,</i>	<i>Thorburn,</i>
<i>Derbshire,</i>	<i>Holmes,</i>	<i>Powell,</i>	<i>Watts,</i>
<i>De Salaberry,</i>	<i>Hopkins,</i>	<i>Simpson,</i>	<i>Woods. — 32.</i>

Amendment lost.

Another amendment moved.

So it passed in the Negative.

Mr. *Baldwin* then moved, in amendment to the main motion, seconded by Mr. *Price*,

That all the words after "that," in the said motion, be struck out, and the following substituted: "the following clause be added to the said Bill, and do follow the 39th clause:—

"And be it enacted, that neither the District Councils established under the authority of the Ordinance of the Special Council of the late Province of *Lower Canada*, for the establishment of District Councils in that part of the Province, nor those established under the authority of this Act, shall, nor shall any of them, have any power or authority whatever to borrow any sum or sums of money whatever, upon the credit of their respective Municipal Districts, or of the property belonging to them in their corporate capacity, or in any other way whatever."

The House divided on the motion of amendment, and the names being called for, they were taken down, as followeth:—

## YEAS.

<i>Armstrong,</i>	<i>Boutillier,</i>	<i>McLean,</i>	<i>Sherwood,</i>
<i>Baldwin,</i>	<i>Cartwright,</i>	<i>Morin,</i>	<i>Taché,</i>
<i>Barthe,</i>	<i>Christie,</i>	<i>Neilson,</i>	<i>Turcotte,</i>
<i>Berthelot,</i>	<i>Cook,</i>	<i>Parent,</i>	<i>Viger, Hon. D.B.</i>
<i>Borne,</i>	<i>Johnston,</i>	<i>Price,</i>	<i>Williams. — 20.</i>

## NOES.

<i>Buchanan,</i>	<i>Dunn, Hon. J. H.</i>	<i>Hopkins,</i>	<i>Simpson,</i>
<i>Cameron,</i>	<i>Dunscomb,</i>	<i>Killaly, Hon. H.H.</i>	<i>Small,</i>
<i>Child,</i>	<i>Durand,</i>	<i>McCulloch,</i>	<i>Smith, (Went.)</i>
<i>Crane,</i>	<i>Foster,</i>	<i>McDonald, (Pres.)</i>	<i>Steele,</i>
<i>Daly, Hon. D.</i>	<i>Gilchrist,</i>	<i>Moore,</i>	<i>Taschereau,</i>
<i>Delisle,</i>	<i>Hale,</i>	<i>Ogden, Hon. C. R.</i>	<i>Thompson,</i>
<i>Derbshire,</i>	<i>Harrison, Hon. S.B.</i>	<i>Parke,</i>	<i>Thorburn,</i>
<i>De Salaberry,</i>	<i>Hincks,</i>	<i>Powell,</i>	<i>Watts,</i>
<i>Draper, Hon. W.H.</i>	<i>Holmes,</i>	<i>Roblin,</i>	<i>Woods. — 36.</i>

Amendment lost.

So it passed in the Negative.

(378)

Another amendment moved.

Mr. *Baldwin* then moved, in amendment to the main motion, seconded by Mr. *Morin*,

That all the words after "that" in the said motion be struck out, and the following substituted:—"the following clause be added to the said Bill, and do follow the 45th clause:—'and be it enacted, that so much of the 41st section of the Ordinance of the Special Council of the late Province of *Lower Canada*, establishing District Councils in



that part of this Province, as empowers the Governor of this Province to disallow (sic) any part of any By-Law, passed by any of the District Councils established by the said Ordinance, and also so much of the same section of the said Ordinance, as provides, that it shall be lawful for the said Governor to enlarge the time thereby limited for the disallowance of any such By-Law beyond the thirty days therein mentioned, shall be, and the same is hereby repealed: Provided always, that nothing herein contained shall be construed to prevent the Governor from disallowing the whole of any such By-Law, within the thirty days in and by the said 41st Section of the said Ordinance specified, in manner therein provided.

The House divided on the motion of amendment.

Yeas, 20.

Noes, 36.

And the names being called for, they were taken down as in the last preceding division.

So it passed in the Negative.

Mr. *Baldwin* then moved, in amendment to the main motion, seconded by Mr. *Price*,

That all the words after "that," in the said motion, be struck out, and the following substituted: "the 40th and 46th clauses be struck out of the said Bill."

The House divided on the motion of amendment.

Yeas, 20.

Noes, 36.

And the names being called for, they were taken down as in the last preceding division.

So it passed in the Negative.

Mr. *Baldwin* then moved, in amendment to the main motion, seconded by Mr. *Price*,

That all the words after "that," in the said motion, be struck out, and the following substituted: "the 49th clause be struck out of the Bill."

The House divided on the motion of amendment.

Yeas, 20.

Noes, 36.

And the names being called for, they were taken down as in the last preceding division.

So it passed in the Negative.

Mr. *Baldwin*, then moved, in amendment to the main motion, seconded by Mr. *Price*,

That all the words after "that" in the said motion be struck out, and the following substituted: —

"The 59th. clause be struck out of the said Bill."

The House divided on the motion of amendment.

Yeas, 20.

Noes, 36.

And the names being called for, they were taken down as in the last preceding division.

So it passed in the Negative.

(379)

Mr. *Morin*, then moved, in amendment to the main motion, seconded by Mr. *Borne*,

That all the words after "that" in the said motion be struck out, and the following substituted: — "The said Bill be recommitted, with an instruction to the Committee to consider the following propositions, and to amend the Bill in conformity thereto, so as to enact a measure common to both parts of the Province, viz: —

1st: — That the several clauses of the Ordinances of the Special Council of the late Province of *Lower Canada*, of the 4th VICTORIA,

Amendment lost.

Another amendment moved.

Amendment lost.

Another amendment moved.

Amendment lost.

Another Amendment moved.

Amendment lost.

Another amendment moved (Mr. *Morin*.)

Chapters 3 and 4, which relate to the extent of the Districts, and to the nomination of Wardens and Officers by the Governor, ought to be amended, with a view to confine the Districts to the respective limits of the Counties; and making the several Wardens and Officers elective by the People, so as to leave the Municipal authorities to be established in each District, the management of their own local affairs, without any undue interference, and consonant to the spirit of such bodies.

"2nd.—That the majority of the Wardens appointed under the last mentioned Ordinance, in the late Province of *Lower Canada*, do not possess the confidence of the Country, and that their nomination, coupled with the other provisions of the said Ordinances, will have tended only to discourage the People, and make them averse to the free institutions which those Ordinances have pretended to confer.

"3d.—That the instructions given to the said Wardens have a tendency directly opposite to the avowed principles of the said Ordinances, and are of a nature to destroy the free action of the Municipal Councils, which the said Wardens and other Officers will have in their power to check, hinder, and control.

"4.—That a large number of the places appointed for holding the said Municipal Councils are inconvenient, and unjust to the majority of the population of the said Municipal Districts, and will tend to deprive them of the advantages of well regulated local institutions, and that the selection of those places will tend, in many instances, to forward partial or sectional views, and to render the said Councils entirely dependant upon the Wardens and other Officers appointed under Executive authority."

The House divided on the motion of amendment, and the names being called for, they were taken down as followeth:—

## YEAS.

<i>Armstrong,</i>	<i>Borne,</i>	<i>McLean,</i>	<i>Price,</i>
<i>Aylwin,</i>	<i>Boutillier,</i>	<i>Morin,</i>	<i>Taché,</i>
<i>Baldwin,</i>	<i>Christie,</i>	<i>Neilson,</i>	<i>Turcotte,</i>
<i>Barthe,</i>	<i>Johnston,</i>	<i>Parent,</i>	<i>Viger, Hon. D.B.</i>
<i>Berthelot,</i>			(17.)

## NOES.

<i>Buchanan,</i>	<i>Dunn, Hon. J. H.</i>	<i>Killaly, Hon. H.H.</i>	<i>Roblin,</i>
<i>Cameron,</i>	<i>Dunscomb,</i>	<i>McCulloch,</i>	<i>Simpson,</i>
<i>Crane,</i>	<i>Durand,</i>	<i>McDonald, (Pres.)</i>	<i>Small,</i>
<i>Daly, Hon. D.,</i>	<i>Foster,</i>	<i>Moore,</i>	<i>Smith,</i>
<i>Delisle,</i>	<i>Gilchrist,</i>	<i>Ogden, Hon. C.R.</i>	<i>Steele,</i>
<i>Derbshire,</i>	<i>Hale,</i>	<i>Parke,</i>	<i>Taschereau,</i>
<i>De Salaberry,</i>	<i>Harrison, Hon. S.B.</i>	<i>Powell,</i>	<i>Thompson,</i>
<i>Draper, Hon. W.H.</i>	<i>Hincks,</i>	<i>Quesnel,</i>	<i>Thornburn. — 32.</i>

Amendment lost.  
Another amendment  
moved (Mr. Christie.)

So it passed in the Negative.

Mr. *Christie*, then moved, in amendment to the main motion, seconded by Mr. *Borne*,

That all the words after "that" in the said motion be struck out,

(380)

and the following substituted:—"the following clause be added to the said Bill, and be the last clause thereof:—

"And be it enacted, that this Act shall be and remain in force until the first day of May, one thousand eight hundred and forty six, and from thence until the end of the then next ensuing Session of the Legislature, and no longer."

The House divided on the motion of amendment, and the names being called for, they were taken down as followeth:—

## YEAS.

<i>Armstrong,</i>	<i>Boutillier,</i>	<i>Neilson,</i>	<i>Sherwood,</i>
<i>Aylwin,</i>	<i>Christie,</i>	<i>Parent,</i>	<i>Taché,</i>
<i>Baldwin,</i>	<i>Durand,</i>	<i>Price,</i>	<i>Turcotte,</i>

<i>Barthe,</i>	<i>McLean,</i>	<i>Roblin,</i>	<i>Viger, Hon. D.B.</i>
<i>Borne,</i>	<i>Morris,</i>	<i>Smith, (Went.)</i>	<i>(19.)</i>

## NOES.

<i>Buchanan,</i>	<i>Dunn, Hon. J. H.</i>	<i>Killaly, Hon. H.H.</i>	<i>Quesnel,</i>
<i>Cameron,</i>	<i>Dunscombe,</i>	<i>McCulloch,</i>	<i>Simpson,</i>
<i>Crane,</i>	<i>Foster,</i>	<i>McDonald, (Prest.)</i>	<i>Small,</i>
<i>Daly, Hon. D.</i>	<i>Gilchrist,</i>	<i>Moore,</i>	<i>Steele,</i>
<i>Delisle,</i>	<i>Hale,</i>	<i>Ogden, Hon. C.R.</i>	<i>Taschereau,</i>
<i>Derbshire,</i>	<i>Harrison, Hon. S.B.</i>	<i>Parke,</i>	<i>Thompson,</i>
<i>De Salaberry,</i>	<i>Hincks,</i>	<i>Powell,</i>	<i>Thorburn. — 30.</i>
<i>Draper, Hon. W.H.</i>	<i>Holmes,</i>		

Amendment lost.

So it passed in the Negative.

Another amendment  
(Mr. Durand)Mr. *Durand*, then moved, in amendment to the main motion, seconded by Mr. *Morin*,

That all the words after "that" in the said motion be struck out, and the following substituted : — "the 48th Clause of the said Bill be amended by striking out all the words after 'enacted,' in the first line, and substituting the following in lieu thereof ; — "*That each Councillor shall be entitled to receive a sum not exceeding seven shillings and six pence, currency, per day, for the time he shall be going to, attending at, and returning from his duties at the said Council.*"

The House divided on the motion of amendment, and the names being called for, they were taken down, as followeth : —

## YEAS.

<i>Baldwin,</i>	<i>Durand,</i>	<i>Roblin,</i>	<i>Thorburn,</i>
<i>Berthelot,</i>	<i>Morin,</i>	<i>Smith, (Went.)</i>	<i>Turcotte,</i>
<i>Borne,</i>	<i>Parent,</i>	<i>Sherwood,</i>	<i>Viger, Hon. D.B.</i>
<i>Boutillier,</i>	<i>Powell,</i>	<i>Taché,</i>	<i>Woods. — 18.</i>
<i>Christie,</i>	<i>Price,</i>		

## NOES.

<i>Barthe,</i>	<i>Draper, Hon. W.H.</i>	<i>Hincks,</i>	<i>Quesnel,</i>
<i>Buchanan,</i>	<i>Dunn, Hon. J.H.</i>	<i>Holmes,</i>	<i>Simpson,</i>
<i>Cameron,</i>	<i>Dunscomb,</i>	<i>Killaly, Hon. H.H.</i>	<i>Small,</i>
<i>Crane,</i>	<i>Foster,</i>	<i>McCulloch,</i>	<i>Steele,</i>
<i>Daly, Hon. D.</i>	<i>Gilchrist,</i>	<i>Moore,</i>	<i>Taschereau,</i>
<i>Delisle,</i>	<i>Hale,</i>	<i>Ogden, Hon. C.R.</i>	<i>Thompson,</i>
<i>Derbshire,</i>	<i>Harrison, Hon. S.B.</i>	<i>Parke,</i>	<i>Watts. — 29.</i>
<i>De Salaberry,</i>			

Amendment lost.

So it passed in the Negative.

(381)

Main motion carried  
Bill to be engrossed.

The question being then put on the main motion, viz : — "that the said Bill, as amended, be engrossed and read for the third time to-morrow."

It was agreed to unanimously and —

*Ordered* — Accordingly.<sup>10</sup>Call of House at  
3 o'clock to-morrow.On motion of Mr. *Price*, seconded by Mr. *Borne*,  
*Ordered* — That there be a call of such Members of this House as are now in *Kingston, to-morrow*, at 3 o'clock, P. M.Bill to amend U. C.  
District Court Act,  
read 2nd time.A Bill to alter and amend the Laws now in force in that part of this Province formerly *Upper Canada*, regulating the District Courts, was, according to order, read a second time.*Ordered* — That the said Bill be referred to a Committee of the whole House to-morrow.Welland Canal stock  
purchase Bill, read  
2nd time.A Bill to authorize the Stock held by private parties in the *Welland Canal*, to be purchased on behalf of the Province, was, according to order, read a second time.



*Ordered* — That the said Bill be referred to a Committee of the whole House to-morrow.

Toronto Gas and water Bill read 2nd time.

A Bill to incorporate a Company under the style and title of "the City of *Toronto* Gas Light and Water Company" was, according to order, read a second time.

*Resolved* — That the said Bill be now referred to a Committee of the whole House.

House in Committee on the Bill.

The House accordingly resolved itself into the said Committee.

Mr. *Sherwood* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Bill reported amended.

And Mr. *Sherwood* reported, that the Committee had gone through the Bill, and made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

On motion of Mr. *Baldwin*, seconded by Mr. *Price*,

Order of day for House in Committee on election Bill and Registration Bill postponed till to-morrow.

*Ordered* — That the Order of the day, for the House in Committee on the Bill, the better to provide for the freedom of elections throughout this Province, and for other purposes therein mentioned, and the Bill, to provide for the enregistration of persons entitled to vote at elections of Members of the Legislative Assembly of this Province, and to make better provision for the holding of such elections, be postponed until to-morrow, and that it be then the first Order of the day.

Savings Banks Bill read 2nd time.

A Bill to encourage the establishment of, and to regulate Savings Banks in this Province, was according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Wednesday* next.

The names of the Members present were taken down, as followeth : —

Mr. Speaker,

No Quorum.

Mr. *Amrstrong*, Mr. *Boutillier*, Mr. *Buchanan*, Mr. *Cameron*, Mr. *Delisle*, Mr. *Durand*, Mr. *Foster*, Mr. *Gilchrist*, Mr. *Harrison*, Mr. *Hincks*, Mr. *Holmes*, Mr. *McCulloch*, Mr. *Morin*, Mr. *Parke*, Mr. *Powell*, Mr. *Price*, Mr. *Sherwood*, and the Honourable Mr. *Viger*.

And at half past 11 o'clock at night, Mr. Speaker adjourned the House, for want of a Quorum.

#### Footnotes — 18 August 1841.

1. BRITISH COLONIST, 25 August 1841.
2. IBID.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. According to BRITISH COLONIST, 25 August 1841, this motion was made by Mr. Thorburn, not Mr. Henry Smith as officially reported.
8. BRITISH COLONIST, 25 August 1841.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. The BRITISH COLONIST, 25 August 1841, reported that throughout these amendments, motions and divisions, a great deal of discussion took place, but no names or speeches are specifically mentioned since the speakers allegedly repeated remarks made in other debates on this subject.

## Thursday, 19 August 1841.

(382)

House called.

Pursuant to the Order of the day, at three o'clock, P. M., the House was called.

## MEMBERS ABSENT.

Mr. *Campbell*.  
 Mr. *Desrivieres*.  
 Mr. *Hamilton*.  
 Mr. *Jones*, (with leave.)  
 The Honorable Mr. *Killaly*.  
 Mr. *Kimber*, (with leave.)  
 Mr. *Noel*.  
 Mr. *Strachan*.

## Petitions brought up.

The following Petitions were severally brought up, and laid on the Table : —

J. Snider and others.  
 R. E. Vidal and  
 others.

By Mr. *Price* — The Petition of *Jacob Snider*, and others.

By Mr. *Cameron* — The Petition of *Richard E. Vidal*, and others, inhabitants of the township of *Sarnia*.

Chairman of Com-  
 mittee on Huron  
 election reports ab-  
 sence of Mr. Neilson.

Mr. *Christie*, Chairman of the Committee appointed to try the merits of the Petition of *William Dunlop*, of *Gairbraid*, in the county of *Huron*, *Esquire*, complaining of the undue election and return of *James M'Gill Strachan*, Esq., as a member to represent the county of *Huron*, reported to the House that the Committee met, this forenoon, pursuant to adjournment, and that Mr. *Neilson* was absent.

Bill to amend Heir  
 and Divisee Acts of  
 U. C. passed.

An engrossed Bill, to amend and consolidate the several Acts of the Legislature of *Upper Canada*, passed for the relief of persons claiming lands under the Nominees of the Crown, in cases where no patent hath issued for such lands, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *J. S. MacDonald*, do carry the said Bill to the Legislative Council, and desire their concurrence.

Order of day for third  
 reading U. C. District  
 Council Bill read.

The Order of the day, for the third reading of the engrossed Bill to provide for the better internal Government of that part of this Province, heretofore *Upper Canada*, by the establishment of local or Municipal authorities therein, being read,<sup>1</sup>

Mr. *Harrison* rose and proposed that the bill do now pass.<sup>2</sup>

(382)

Mr. *Baldwin* moved, seconded by Mr. *Price*,

That the said Order of the day be discharged, and that the said Bill be read for the third time this day six months.

Motion to discharge  
 the same.

The speech of the hon. gentleman ((Mr. *Baldwin*)) was a repetition of former disagreeable excrecences (sic) of the bill, which being retained in spite of his desire to remove them by a skilful operation of his own, determined him to oppose all and severally, both bill and clauses, — making at the same time, many allusions to the political hallucination of the member for Oxford, whom he described as exhibiting a new light on the subject. — <sup>3</sup>

Mr. Parke followed and gave a masterly exposure to Mr. Baldwin's inconsistent position.<sup>4</sup>

Mr. Cartwright laboured to draw a broad line of distinction between himself and those with whom he found himself acting, in opposing the bill, and appealed to the house if he had factiously opposed government.<sup>5</sup>

Mr. Buchanan replied. The house he thought could not fail to be amused, at the hon. and learned gentleman's anxiety, to have it supposed that he (Mr. Cartwright) and his friends were not and had never been in factious opposition; but if they really were in factious opposition, they were now in a no more odious nor less manly position than when as a government party, they had given factious opposition to every liberal measure. — Does not all the world know that the hon. and learned member gave a factious support to all the former oligarchical governments in Canada, to justify which, not ten members in this house would stand up, regarding which indeed the opinion of this house may be best gathered from the fact, that the whole stock in trade of the present Executive is, that it *professes* to be at antipodes with them in its principles. (Hear, hear.) It was only a mystification on the part of the hon. and learned member to say, that in a house of eighty-four members, the government got undue influence from having 16 office-holders in its pay, when he well knew that it has the opposition of 16 office seekers. (Hear.) It was asked, too, whether this bill were not a worse bill than that framed under the suggestions of Lord Durham. He (Mr. Buchanan) thought this came very ill from men who used to hold, that the fact of its emanating from Lord Durham, was sufficient objection of itself to any measure. The fact is, if Lord Durham could have supposed so bad a coalition against his plan of local self-government, he would have framed a worse bill, as what alone could pass this house. (Hear.) He (Mr. Buchanan) supported the establishment of district councils, because he could think of no other plan by which to secure for the population the advantages of local self-government, prosperity, and education, without which he did not believe that this country could long remain a colony. And with regard to the plan itself, or the details of the measure, he thought it no argument against them that he found the hon. and learned members from Lennox and Addington, and Hastings, giving them equally virulent opposition, on very different *ostensible* grounds — the one arguing against the measure as the introduction of democracy with universal suffrage and all its other attendant evils! — While the other opposed it as a measure of tyranny, as a fatal enlargement of the powers of the executive! (Hear, hear.) He (Mr. Buchanan) would not accuse these hon. and learned members of thus acting together from a common want of principle; but certainly they were not influenced by any common principle in the matter. (Hear.)<sup>6</sup>

Sir Allan MacNab then entered the lists. The gallant Knight's weapons were those which habit had rendered familiar, small talk and personality. Messrs. Hincks and Parke voting with the Attorney General Draper, he declared to be quite anomalous as his own fellowship with Messrs. Durand, Viger, and Turcotte, (*simile, simili gaudet*.) declared as a Conservative, he would oppose the bill, eulogised its advocates under the... appellation of destructives, and complimented the Town of Hamilton in case of his retiring into obscurity, with actually possessing some one or other capable of supplying his place with equal if not greater eclat.<sup>7</sup>

Capt. Steele ... said that he had cast his lot among the back woodsmen of Upper Canada, who were completely isolated. That under the old system they were merely hewers of wood and drawers of water, the magistrates seizing upon the funds and appropriating them as they thought fit. — That at the time of election, this substitution of municipal institutions for a debased and villainous system was made a stepping-stone to a seat in Parliament; and that the bill even as it stood, would be accepted as a boon by the people, in anticipation of happier days. That the Province of Upper Canada could not be put on a par with the Lower Province, which only a short time ago was openly arrayed against the government of the country. He expected by these institutions, there would be a great increase in the resources of the country, those who lived in the interior looking forward when it came into operation, for the privilege of having that voice in the management of their own affairs, which hitherto when it had been raised, had been productive only of the emptiness of its own echo.<sup>8</sup>

Mr. Williams was opposed to giving to any body of men, *however* constituted, the power of unlimited taxation, in this case amounting to no less than 500 per cent. That by this law,



the poor landholder, possessing only 100 dollars in land, would be taxed as highly as the possessor of £30,000 invested in the same kind of property.<sup>9</sup>

**Mr. Hincks.** — When, Sir, I was first called upon to give a vote on the question now before the House, I stated that I did so under considerable embarrassment. I found myself compelled most reluctantly to vote in opposition to my hon. and learned friend from Hastings, with whom I have almost invariably had the satisfaction of acting since I had the honour of a seat in this House. — However, Sir, after listening attentively to this debate, and after participating in the discussion of the several clauses when in committee, I confess that I am now perfectly convinced that in giving my support to the Bill, I shall do my duty to my constituents and to my adopted country. I shall, Sir, endeavour very briefly to review the proceedings that have taken place relative to this measure. Before doing so, I may observe that I acknowledge myself to be a party man, and that I have ever been most anxious to act in concert with that political party to which I have been long and zealously attached. I may at the same time be permitted to observe, that no political party can be kept united for any length of time unless its members have such confidence in one another, that they can freely consult together as to the line of policy which they ought to adopt. When this bill was first brought under the consideration of the House, I felt it to be my duty to consult with those of my hon. friends with whom I usually act, as to the proper course which it would be advisable for us as a party to adopt. It appeared to us all that there were three courses to pursue — 1st. To discuss our bill on its own merits without any reference whatever to the Ordinance which was formerly passed in the Eastern section of the Province, — an Ordinance which I, Sir, disapprove of in some respects just as much as any of my hon. friends from Lower Canada; I freely admit, Sir, that such an Ordinance ought never to have been passed by the Special Council, and I was not backward at the proper time in expressing this opinion. But, Sir, it being now the law of the land, I conceive that it would have been much more expedient for the hon. members from the East to have assisted us in getting a better bill, in securing those amendments which we all concur in desiring, instead of fastening their Ordinance like an incubus on our bill. Such a policy would have been similar to that so successfully carried out by that illustrious statesman Mr. O'Connell, for whose talents and integrity the hon. member for Hastings has high a respect as what I have. That individual has never to my knowledge refused to support a good measure for England or Scotland because it was not given at the same time to Ireland. No, Sir, he has gone on the principle that he would always support a liberal measure for his fellow subjects elsewhere, and has then claimed the same measure of justice for himself. I admit, however, that the course to which I have alluded (that of taking up our bill on its own merits) could not have been done without the consent of the members from the East. I consider myself pledged to those hon. gentlemen that they shall have equal justice, and notwithstanding the taunts of the hon. and learned member that some of those so loud in their demands for "equal justice" have proved themselves backward in fulfilling their pledges, I feel that I can conscientiously say that every vote I have given in this House has been in accordance with that principle. I will go further, Sir; I will say that I have contended almost single handed in opposition to the policy adopted towards Lower Canada by the present administration. I have been accused of injuring the Reform cause, of sacrificing the interests of the Reformers of Upper Canada in order to sustain an impracticable party in Lower Canada. I have been censured by the great majority of my political friends for taking the course which I did on Lower Canada politics, and nothing Sir, supported me in those trying times but a consciousness that I was doing my duty. I confess, therefore, that I feel that such remarks are uncalled for and unmerited. But to revert to the subject before us. The 2d course open to us as a party was to take our bill on the same terms as the Ordinance. The 3d course was to endeavour to amend both measures, and by making the amendments to the Ordinance a part of our bill to let them stand or fall together. The 3d course was the one adopted by the hon'ble and learned member, but I am not in any way responsible for its being taken. I was never in any way consulted on the occasion, and the first intimation I had of the determination of the hon. gentlemen from the East was the notice given in the House by the hon. and learned member for Nicolet (Mr. Morin) that he would move to refer the Ordinance to the committee of the whole House on our bill. When, Sir, I found this step taken, although I thought it as I do still inexpedient, I felt it to be my duty in principle to give it my support, because I thought it right to shew that we would put both provinces on an equal footing if we were called upon by the Lower Canada members to do so. At the same time I saw that the necessary consequence must be that we would have to take a less liberal measure than we might otherwise have obtained. I know, Sir, that it has been said that

I have been frightened by the threats of the hon'ble and learned Secretary for the West that he would withdraw the bill if any amendments were carried. I disclaim being influenced by any such threat. My own judgment told me, Sir, that to force a repeal of that Ordinance was impossible. You have not the power to effect that repeal and you know it full well — it is idle to conceal it. The government which carried that Ordinance only a few months ago would not amend it now when it is going into operation if they could possibly avoid it, and you have not a majority to force them to do so. There is besides another Branch of the Legislature. True, the hon. gentlemen opposite are answerable for the composition of that branch, but however we may censure the government for the selections that have been made, there is no present remedy. It is idle, Sir, to talk. Hon'ble gentlemen know full well that to repeal the Ordinance at present is impossible. By fastening our bill to that Ordinance, then, and declaring that both must be the same in the leading principles, I conceive that we placed ourselves in this position: we had to determine whether we would take the bill as it stands, or reject it altogether. Now, Sir, I confess that it is a matter of some surprise to me to hear the very extraordinary differences of opinion that have been expressed on this subject. In another part of this building, only a few minutes ago, I heard it pronounced a measure "liberal without a precedent." The hon'ble and gallant Knight from Hamilton, and the hon. and learned member for Lenox (sic) and Addington say that it is republican and democratic in principle, and that if it be adopted the people will have almost uncontrolled power. At the same time we are assured by the hon. & learned member for Hastings that it is "an abominable bill" — "a monstrous abortion" — that he views it with detestation. It is certainly not a little surprising that two parties so very opposite in their views on this very question should unite, and I cannot help observing that charges of coalition are quite as applicable to one side of the House as to the other. I shall now, Sir, revert as briefly as possible to the various objections to this bill, urged by the hon. and learned member for Hastings, both in his speech this evening and in his amendments. The first points are the election of officers and payment of wages to the members. I concur entirely with the views of the hon. and learned member on these points, but as our Bill was on the same footing as the ordinance, and as the amendments would necessarily have been fatal to the measure; I was compelled most reluctantly to oppose him. But, Sir, let us examine a little into facts. The hon. and learned member conceded the appointment of Treasurer to the Governor, and he also was willing *to let the Warden be appointed for the first three years*, after which he was to be elected by the Council. Now, Sir, if this appointment is so despotic, if it renders the bill such a "monstrous abortion," why have it for three years! The country would gain nothing for three years by the proposed amendments. — Now, Sir, I think that long before three years we shall be able to get an amendment to this bill that will entirely meet the wishes of the hon. & learned member as well as myself. Let it be marked well that in these respects no amendment was to take place for *three years*. The next point of the hon. and learned gentleman is the territorial divisions which in some Districts are too large. Granted. This however is an evil which we have it always in our power to remove. Every Session almost we are setting apart new Districts, and there can be no doubt that as our population increases the size of the Districts will be reduced. But surely the hon. and learned gentleman should recollect that this very objection applies with still greater force to juries. The people are now compelled to travel from the extremity of these large districts, four times a year to the Quarter Sessions and also to the Assizes. If therefore the distance is too great for municipal institutions it is also too great for the people to be compelled to attend the courts. The next objection is the power of the councils to borrow. The hon. and learned member would not permit them to raise money by loan on the security of toll or taxes, but merely to expend the taxes raised. I confess, sir, I was astonished to hear this objection, for I did not think such a principle would be supported by a single member on the floor of this House. Why, Mr Speaker, the hon. and learned member knows full well that the turn-pike roads in the neighborhood of Toronto, the benefit of which he has himself enjoyed, have all been made with borrowed money, and he must know how anxious the people are to obtain fresh loans to go on with these roads. When the macadamized roads were first commenced they were generally unpopular with the Farmers. Many said that they would never pay tolls, that they would destroy the gates before they would submit to such imposition; but no sooner did they experience the advantages of good roads than they urged the entire completion of the main lines of communication in the district. The next objection taken by the hon. and learned member is the system of assessment. His amendment however, only went to the extent of taxing wild lands according to their value. He agrees with me that all lands should be so taxed, and I believe there is hardly a dissenting voice in the House on the subject. The hon. and learned Secretary says that the government are in



favour of a change in the system, but they will not be prepared with a measure on the subject till next Session. Now altho' I voted for this amendment of the hon. and learned gentleman, both in committee and in the house, I think his better course would be to introduce a separate bill to the assessment laws which I am assured would carry unanimously. I have now sir stated the objections of the hon. & learned member for Hastings to the bill, and which he conceives strong enough to justify him in rejecting it altogether. I cannot Sir concur with him in taking such a course. Much as I would desire to see many of those amendments carried into effect, I could not justify myself to my constituents in depriving them, on such grounds, of Municipal Institutions. I am content to let the people decide whether these objections are of sufficient importance to justify Reformers in joining with the hon. and gallant Knight from Hamilton in his attempt to postpone to an indefinite period, laying a foundation for Municipal Institutions, the superstructure of which will in a very short time be every thing that the people can desire, — at any rate if it be not it will be their own fault. I know Mr. Speaker, the deep responsibility I have taken on myself in adopting this course. I am well aware Sir, that already every species of slander & calumny has been resorted to, in order to destroy my public character. I have been held up in the public prints as having sold myself to the government. From political opponents I can expect nothing else but such attacks, but Sir, I confess I have been pained at the insinuations which have proceeded from other quarters. The allusions to "expectants of office," "government influence," I cannot, I ought not to affect to misunderstand. I shall leave the Reformers of Upper Canada to judge whether I have deceived them, and I have I think, some claims upon the sympathy of Reformers. My first connection with political life was at a very eventful period in the history of this colony, at a time Sir, when hardly a journal in this Province dared to stand forth in defence of the great principle which is now recognized as the only one on which our government should be administered. During a very dark period of our history I defended that principle and the party who supported it, and it was at a time when I had nothing to expect but incarceration in a dungeon as my reward. The difficulties and embarrassments to which a public journalist is exposed cannot readily be imagined by those who have not encountered them, and not the least of them is the odium to which a faithful advocate of popular rights is necessarily exposed. He is the mark for all the animosity of the hostile party. I have Sir at least endeavoured to discharge my arduous duty faithfully and conscientiously. I have never asked a favour from any Governor since I took up my residence in this Province, and no one knows better than the hon. and learned member for Hastings that when he was in place, and when there were prospects of our party having influence, I never stipulated for any personal reward. I was willing to give our party an independent support to the utmost of my ability. With regard to the people of Lower Canada, I feel that from them I certainly deserve better than that they should ascribe to me improper motives. I have fought their battles through good report and through evil report, and Sir it is with deep regret that I ever give a vote in opposition to them. I am not desirous, Mr. Speaker, of occupying the time of the House with remarks which have been in some degree of a personal character. I would not however have done justice to myself had I not availed myself of the present opportunity to repel the insinuations which have been made against my political integrity, and to assert that my vote in favour of that bill is as conscientious and independent as that of any hon. member on the floor of this House. It is dictated solely by a deep sense of the duty which I owe to my constituents and my country, and I know and feel that it will be appreciated by them.<sup>10</sup>

Mr. Price followed the member for Oxford in a course of an opposite tendency, that gentleman's sentiments however being already before the public a repetition of them is unnecessary.<sup>11</sup>

Mr. Aylwin then rose, contrasting municipal institutions in England with those of Canada. He said the reformers had denounced the magistracy as the very extreme of corruption, and now when they had an opportunity of introducing a better system, they sacrificed it in support of a measure so defective as the present one. In England he said the municipal corporations appointed every officer down to the door-keeper, why not then if this *was* to be a liberal measure, concede the same. This same system he affirmed might be productive of a state of things, that had led to the separation of America from the Mother country; should events of a similar nature occur again, no one would more seriously deplore it than himself — he had been reared under the protection of the British Flag, and was desirous that it should ever wave over the country which gave him birth — his opposition to this measure was therefore in accordance with such wishes, and to prevent the precipitancy



of a crisis, which no one would more seriously regret than himself, nor any one use greater exertion to ward off.<sup>12</sup>

**Mr. Baldwin** repeated his former objections and addressing himself with much feeling to the member for Oxford, said that he was truly sensible of the value of his services, in the cause of reform, for which, the country was indebted to him. He denied he had ever for one moment intended to inflict pain upon him by any personal reflections, — said that their services to each other had been mutual and in an impressive tone declared that should the good feeling that had hitherto subsisted between them decline, and lead to a political separation, he should ever regret it as one of the most painful circumstances that could have befallen him.<sup>13</sup>

**Mr. Merritt** spoke next in opposition to the bill.<sup>14</sup>

(382)

The House divided on the question, and the names being called for, they were taken down, as followeth : —

YEAS.

<i>Armstrong,</i>	<i>Cartwright,</i>	<i>McDonald, (Glen.)</i>	<i>Smith, (Fron.)</i>
<i>Aylwin,</i>	<i>Chesley,</i>	<i>McLean,</i>	<i>Sherwood,</i>
<i>Baldwin,</i>	<i>Christie,</i>	<i>Merritt,</i>	<i>Taché,</i>
<i>Barthe,</i>	<i>Cook,</i>	<i>Moffatt, Hon. G.</i>	<i>Turcotte,</i>
<i>Berthelot,</i>	<i>Duggan,</i>	<i>Morin,</i>	<i>Viger, Hon. D.B.</i>
<i>Borne,</i>	<i>Durand,</i>	<i>Parent,</i>	<i>Williams,</i>
<i>Boutillier,</i>	<i>Johnston,</i>	<i>Price,</i>	<i>Woods. — 31.</i>
<i>Burnet,</i>	<i>McNab, Sir A.N.</i>	<i>Roblin,</i>	

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NOES.

<i>Black,</i>	<i>Draper, Hon. W.H.</i>	<i>McCulloch,</i>	<i>Ruel,</i>
<i>Boswell,</i>	<i>Dunn, Hon. J. H.</i>	<i>McDonald, (Pres.)</i>	<i>Simpson,</i>
<i>Buchanan,</i>	<i>Dunscomb,</i>	<i>Moore,</i>	<i>Small,</i>
<i>Cameron,</i>	<i>Foster,</i>	<i>Morris,</i>	<i>Smith, (Went.)</i>
<i>Child,</i>	<i>Gilchrist,</i>	<i>Ogden, Hon. C.R.</i>	<i>Steele,</i>
<i>Crane,</i>	<i>Hale,</i>	<i>Parke,</i>	<i>Taschereau,</i>
<i>Daly, Hon. D.</i>	<i>Harrison, Hon. S.B.</i>	<i>Powell,</i>	<i>Thompson,</i>
<i>Day, Hon. C. D.</i>	<i>Hincks,</i>	<i>Quesnel,</i>	<i>Thorburn,</i>
<i>Delisle,</i>	<i>Holmes,</i>	<i>Raymond,</i>	<i>Watts,</i>
<i>Derbishire,</i>	<i>Hopkins,</i>	<i>Robertson,</i>	<i>Yule. — 41.</i>
<i>De Salaberry,</i>			

Motion lost.

Ryder moved.

So it passed in the Negative.

**Mr. Morris** moved, seconded by **Mr. Williams**,

That the following engrossed clauses, marked A. and B., be added to the said Bill by way of ryder, and do follow the 7th clause of the said Bill, and make part thereof : —

CLAUSE A.

“And be it enacted, that before the person presiding at such election of Councillor or Councillors, shall proceed to Poll the votes thereat, he shall subscribe and take the following oath, before some Justice of the Peace of the District, who is hereby empowered and authorized to administer the same, and who shall certify and return such affidavit to the Warden of the District, to be by him delivered to the Clerk of the Council, for safe keeping among the records and papers of the Council : — ‘I, C. D., do swear (or solemnly affirm) that I have not, ‘directly or indirectly, by myself or any other person, received any ‘fee, gift, gratuity, or reward, either in money or otherwise, or the ‘promise of any, as a consideration for my returning, or effecting the ‘return of any person as a member of the District Council, for the Dis- ‘trict of (as the case may be) that I will, to the best of my ‘skill and ability, fairly, honestly, and faithfully, conduct the present ‘election for the choice of a member (or members as the case may be)

'of the said Council, and truly return the Candidate (or Candidates if two members are to be chosen) who, at the final close, shall appear to have the majority of votes; and that I will use my best endeavours to preserve peace and order at such election, and to give all persons entitled to vote, free and unmolested access to and from the 'Poll.'

## CLAUSE B.

"And be it enacted, that the person presiding at every such election shall, during the day and days on which the election may be held, be fully empowered to Act as a Conservator of the Peace, in and for the District; and such person presiding, or any Justice or Justices of the Peace present at such election, shall and may arrest, or cause to be arrested, and may try or bind over for trial, or summarily punish, by fine or imprisonment, or both, any riotous or disorderly person or persons, or any person or persons who may assault, beat, molest, or threaten, any elector, at, coming to, or returning from the said election, and when thereto required, all constables and others at the said election, are enjoined to aid and assist such person presiding, and Justice or Justices of the Peace, in discharging such duties, under pain of being deemed guilty of a misdemeanor, and liable to punishment therefor; and all Justices of the Peace residing in the Township wherein the election is held, shall, upon being notified in writing by such person presiding, attend at such election for the purpose of aiding in preserving peace and order thereat, and such Justice or Justices, or person

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presiding, shall and may, when they consider it necessary, appoint and swear in any number of Special Constables, not exceeding twenty-five, to act as Peace Officers, and assist in maintaining peace and order at such election."

Ryder adopted.

The said clauses being thrice read, and the question being put thereon, they were agreed to by the House.

Sir Allan McNab then moved, seconded by Mr. Cartwright,

That the said Order of the day be discharged, and that it be

Motion to postpone the consideration of the measure on account of the absence of any petitioners on the subject (sic).

*Resolved* — That in the absence of any Petitions from the people of this Province for any alteration in their local Institutions, this House, in justice to their Constituents, feel it to be their duty to postpone the consideration of this subject until the next Session of the Legislature, in order that the well understood wishes of the people of this Province may be fairly and fully expressed, upon this highly important question.

The House divided on the question, and the names being called for, they were taken down as followeth: —

## YEAS.

<i>Armstrong,</i>	<i>Cartwright,</i>	<i>McNab, Sir A.N. Roblin,</i>
<i>Aylwin,</i>	<i>Chesley,</i>	<i>McDonald, (Glen.) Smith, (Fron.)</i>
<i>Baldwin,</i>	<i>Christie,</i>	<i>McLean, Sherwood,</i>
<i>Barthe,</i>	<i>Cook,</i>	<i>Merritt, Taché,</i>
<i>Berthelot,</i>	<i>Duggan,</i>	<i>Morin, Turcotte,</i>
<i>Borne,</i>	<i>Durand,</i>	<i>Viger, Hon. D.B.</i>
<i>Boutillier,</i>	<i>Johnston,</i>	<i>Price, Woods — 29.</i>
<i>Burnet.</i>		

## NOES.

<i>Black,</i>	<i>Draper, Hon. W.H. McDonald, (Pres.)</i>	<i>Ruel,</i>
<i>Boswell,</i>	<i>Dunn, Hon. J.H. McCulloch,</i>	<i>Simpson,</i>
<i>Buchanan,</i>	<i>Dunscomb,</i>	<i>Moffatt, Hon. G. Small,</i>
<i>Cameron,</i>	<i>Foster,</i>	<i>Moore, Smith, (Went.)</i>
<i>Child,</i>	<i>Gilchrist,</i>	<i>Morris, Steele,</i>
<i>Crane,</i>	<i>Hale,</i>	<i>Ogden, Hon. C.R. Taschereau,</i>
<i>Daly, Hon. D.</i>	<i>Harrison, Hon. S.B. Parke,</i>	<i>Thompson,</i>
<i>Day, Hon. C.D. Hincks,</i>	<i>Powell,</i>	<i>Thorburn,</i>

<i>Delisle,</i>	<i>Holmes,</i>	<i>Quesnel,</i>	<i>Watts,</i>
<i>Derbshire,</i>	<i>Hopkins,</i>	<i>Raymond,</i>	<i>Yule, — (43.)</i>
<i>De Salaberry,</i>	<i>Killaly, Hon. H.H.</i>	<i>Robertson,</i>	

Motion lost.

Bill read 3rd time.

Motion that the Bill do pass.

So it passed in the Negative.

The said Bill was then, according to Order, read for the third time.

The Honourable Mr. *Harrison* moved, seconded by Mr. Attorney General *Draper*,

That the Bill do pass, and that the title be "*An Act to provide for the better internal Government of that part of this Province, which formerly constituted the Province of Upper Canada, by the establishment of Local or Municipal authorities therein.*"

The House divided on the question, and the names being called for, they were taken down as followeth : —

#### YEAS.

<i>Black,</i>	<i>Child,</i>	<i>Delisle,</i>	<i>Dunn, Hon. J.H.</i>
<i>Boswell,</i>	<i>Crane,</i>	<i>Derbshire,</i>	<i>Dunscomb,</i>
<i>Buchanan,</i>	<i>Daly, Hon. D.</i>	<i>De Salaberry,</i>	<i>Foster,</i>
<i>Cameron,</i>	<i>Day, Hon. C. D.</i>	<i>Draper, Hon. W.H.</i>	<i>Gilchrist,</i>

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<i>Hale,</i>	<i>McDonald, (Pres.)</i>	<i>Raymond,</i>	<i>Steele,</i>
<i>Harrison, Hon. S.B.</i>	<i>Moore,</i>	<i>Robertson,</i>	<i>Taschereau,</i>
<i>Hincks,</i>	<i>Morris,</i>	<i>Ruel,</i>	<i>Thompson,</i>
<i>Holmes,</i>	<i>Ogden, Hon. C.R.</i>	<i>Simpson,</i>	<i>Thorburn,</i>
<i>Hopkins,</i>	<i>Parke,</i>	<i>Small,</i>	<i>Watts,</i>
<i>Killaly, Hon. H.H.</i>	<i>Powell,</i>	<i>Smith, (Went.)</i>	<i>Yule. — 42.</i>
<i>McCulloch,</i>	<i>Quesnel,</i>		

#### NOES.

<i>Armstrong,</i>	<i>Cartwright,</i>	<i>McDonald, (Glen.)</i>	<i>Roblin,</i>
<i>Aylwin,</i>	<i>Chesley,</i>	<i>McLean,</i>	<i>Smith, (Front.)</i>
<i>Baldwin,</i>	<i>Christie,</i>	<i>Merritt,</i>	<i>Sherwood,</i>
<i>Barthe,</i>	<i>Cook,</i>	<i>Moffatt, Hon. G.</i>	<i>Taché,</i>
<i>Berthelot,</i>	<i>Duggan,</i>	<i>Morin,</i>	<i>Turcotte,</i>
<i>Borne,</i>	<i>Durand,</i>	<i>Parent,</i>	<i>Viger, Hon. D.B.</i>
<i>Boutillier,</i>	<i>Johnston,</i>	<i>Price,</i>	<i>Woods. — 30.</i>
<i>Burnet,</i>	<i>MacNab, Sir A.N.</i>		

Carried.

So it was carried in the affirmative, and

*Resolved* accordingly.

*Ordered* — That the Honourable Mr. *Harrison* do carry the said Bill to the Legislative Council, and desire their concurrence.

*Petitions read.*

Pursuant to the Order of the day, the following Petitions were read : —

Of Rev. J. Quinlan.

Of the Reverend *James Quinlan*, and others, of *Barrie*, County of *Simcoe*, praying for an aid to complete the erection of a Church.

Of C. Williams.

Of *Charles Williams*, of the Township of *Rainham*, praying to be naturalized.

Of T. Rains and others.

Of *Thomas Rains*, and others, of the Township of *Grenville*, praying for a grant of £1,000 to build a Bridge across the River *Rouge*, in the said Township.

Petition of Rev. S. C. Fraser, and others referred to committee on schools.

*Ordered* — That the Petition of Reverend *S. C. Fraser*, and others, of the Township of *Inverness*, County of *Megantic*, presented to the House on the 16th instant, be referred to the Select Committee, to which was referred the Bill to repeal certain Acts therein mentioned, and to make provision for the establishment and maintenance of Common Schools throughout the Province, and other references.

Petition of Rev. J. Cook, and others, referred to same Committee.

*Ordered* — That the Petition of the Reverend *John Cook*, *Robert Symes*, *Andrew Stuart*, and others, of *Quebec*, presented to the House yesterday, be referred to the said Committee.



Petition of Rev. J. Anderson and others referred to same Committee.

*Ordered* — That the Petition of the Rev. *Joseph Anderson*, and others, members of the Congregational Church of *Melbourne*, and its vicinity, presented to the House yesterday, be referred to the said Committee.

Committee on inspection laws, report.

The Honorable Mr. *Moffatt*, from the Select Committee to which were referred the Resolutions of this House of the 4th instant, on the Inspection Laws, with power to report by Bill or Bills, presented to the House a Bill to regulate the inspection of Beef and Pork, and a Bill to regulate the inspection of Flour and Meal, which were severally received and read for the first time.

Bill for inspection of Beef and Pork, and

*Ordered* — That the Bill to regulate the inspection of Beef and Pork be read a second time to-morrow.

Bill for inspection of Floor and Meal.

*Ordered* — That the Bill to regulate the inspection of Flour and Meal be read a second time on *Monday* next.

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On motion of Mr. *Williams*, seconded by Mr. *Dunscorn*.

House to go into Committee, on Monday, on copy right Law of L. Canada.

*Resolved* — That this House will, on *Monday* next, resolve itself into a Committee of the whole House, to consider the expediency of repealing the Act of the late Province of *Lower Canada*, for the 2nd WILLIAM the Fourth, Chapter 53, relating to the protection of copyrights, with the view of making new enactments on the same subject, for the Province of *Canada*.

On motion of Mr. *Christie*, seconded by Mr. *Borne*.

House to go into Committee, to-morrow, on Judicature Ordinance respecting District, of Gaspé.

*Resolved* — That this House will, on to-morrow, resolve itself into a Committee of the whole House to take into consideration the expediency of amending the Ordinance of the Governor and Special Council of the late Province of *Lower Canada*, 4th VICTORIA, Chapter 45, for altering and amending the Judicature of the said Province, in so far only as the said Ordinance relates the "Territorial Division of *Gaspé*" established by it.

On motion of Mr. *Baldwin*, seconded by Mr. *Durand*,

Order of day for House in Committee on election Bill, and Registration Bill, postponed till to-morrow.

*Ordered* — That the Order of the day for the House in Committee on the Bill the better to provide for the freedom of elections throughout this Province, and for other purposes therein mentioned, and the Bill to provide for the enregistration of persons entitled to vote at elections of members of the Legislative Assembly of this Province, and to make better provision for the holding of such elections, be postponed until to-morrow, and that it be then the first order of the day.

Chairman of Com. of whole on remunerating Speaker reports resolutions.

Mr. *Boutillier*, from the Committee of the whole House to take into consideration the propriety of providing for the payment of an annual salary to the Honorable the Speaker of this House, reported, according to order, the Resolutions of the said Committee, which Resolutions were again read at the Clerk's Table, and are as followeth : —

1st. Resolution.

*Resolved* — That it is expedient, that provision ought to be made for a suitable remuneration to the Honourable the Speaker of this House, in the shape of an annual salary.

2nd Resolution.

*Resolved* — That the sum of one thousand pounds be granted annually to Her Majesty, to enable Her Majesty (sic) to pay the like sum to the Honorable the Speaker of this House.

*Ordered* — That the question of concurrence be now separately put upon the said Resolutions.

1st. Resolution adopted.

And the first of the said Resolutions being again read, and the question of concurrence being put thereon, it was agreed to by the House, and

*Resolved* accordingly.

The second of the said Resolutions being again read,

Consideration of 2nd.  
Resolution postponed  
till to-morrow.

Chairman of Com-  
mittee of whole on  
Toronto Gas and  
water Co. Bill report  
amendments.

Amendments agreed  
to.

No quorum.

*Ordered* — That the further consideration of the said Resolution be postponed until to-morrow, and that it be then the second Order of the day.

Mr. *Sherwood*, from the Committee of the whole House on the Bill to incorporate a Company under the style and title of the "City of *Toronto* Gas Light and Water Company," reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's Table, and agreed to by the House.

*Ordered* — That the said Bill, as amended, be engrossed, and read for the third time to-morrow.

The names of the members present were taken down as followeth :

Mr. Speaker,

Mr. *Baldwin*, Mr. *Black*, Mr. *Borne*, Mr. *Boswell*, Mr. *Boutillier*, Mr. *Solicitor General Day*, Mr. *Durand*, Mr. *Gilchrist*, Mr. *Morris*, Mr. *Powell*, Mr. *Quesnel*, Mr. *Raymond*, Mr. *Simpson* and the Honourable Mr. *Viger*.

And, at 11 o'clock at night, Mr. Speaker adjourned the House for want of a Quorum.

Footnotes — 19 August 1841.

1. This debate was reported by : *BRITISH COLONIST*, 25 August 1841 ; *LE CANADIEN*, 23 August 1841 ; *EXAMINER*, 25 August 1841, which contains a report which is very similar to that of *BRITISH COLONIST*, 25 August 1841, except that Cartwright's speech is reported differently, and only Cartwright, Buchanan and Hincks are listed as speakers ; *MONTREAL GAZETTE*, 23 August 1841 ; *WESTERN HERALD*, 8 September 1841, edited from *KINGSTON CHRONICLE*, 21 August 1841, containing as well its own analysis of the vote on Baldwin's proposed amendment ; and *KINGSTON CHRONICLE*, 21 August 1841, which remarked : "Mr. Baldwin made a long speech in support of his amendment — and was followed by other gentlemen at great length for and against the measure — but there appeared to be no new arguments introduced and the old ones, told a hundred times before, were really very tiresome. Even the witticisms of Mr. James Johnston became somewhat stale — and the Reporters' box was deserted during

2. *BRITISH COLONIST*, 25 August 1841. This speech and most of those following it are drawn from the *BRITISH COLONIST* because it contains the best report ; nevertheless the reportorial style is an exceptionally biased one from which it is almost always impossible to extract factual material. The speeches reported in this debate must therefore be judged accordingly.

2. *BRITISH COLONIST*, 25 August 1841.

3. *IBID.*

4. *IBID.*

5. *IBID.*

6. *IBID.*

7. *IBID.*

8. *IBID.*

9. *IBID.*

10. *EXAMINER*, 25 August 1841.

11. *BRITISH COLONIST*, 25 August 1841.

12. *IBID.*

13. *IBID.*

14. *IBID.*

## Friday, 20 August 1841.

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Committee on Huron  
contested election  
present final report.

Mr. *Christie*, chairman of the Select Committee appointed for taking into consideration the Petition of *William Dunlop*, of *Gairbraid*, in the County of *Huron*, Esquire, complaining of the undue election and return of *James McGill Strachan*, Esquire, as a member to represent the County of *Huron* in this present Parliament, presented to the House the final Report of the said Committee, which was again read at the Clerk's Table, as followeth : —

Report.

*Resolved* — That the Petitioner, *William Dunlop*, Esquire, having the majority of legal votes on the Poll Book at the last election for the County of *Huron*, was duly elected.

*Resolved* — That the opposition to the Petition of the said Petitioner, was not frivolous or vexatious.

On motion of Mr. Attorney General *Draper*, seconded by Mr. Solicitor General *Day*,

Clerk of Crown in  
Chancery directed to  
amend Return for  
County of Huron.

*Ordered* — That the Clerk of the Crown in Chancery do attend this House forthwith, with the last return for the County of *Huron*, and do amend the same by rasing out the name of *James McGill Strachan*, Esq., and inserting the name of *William Dunlop*, Esquire.

Return amended  
accordingly.

The Clerk of the Crown in Chancery attended, according to order, and amended the said return for the County of *Huron*.

W. Dunlop, Esq.  
takes his seat as  
Member for County  
of Huron.

*William Dunlop*, Esquire, member, for the County of *Huron*, having previously taken the oath, according to law, and subscribed, before the Commissioners, the Roll containing the same, took his seat in the House.

Petitions brought up.

The following Petitions were severally brought up, and laid on the Table : —

Rev. P. Mignault  
and others.

By Mr. *Yule* — The Petition of the Reverend P. M. *Mignault*, *Augustus Hatt*, and others, inhabitants of *Chambly*.

J. May and others.

By Mr. *Powell* — The Petition of *James May*, and others, inhabitants, of the *Talbot* District.

R. Defries and others.

By Mr. *Prince* — The Petition of *Robert Defries*, and others, Messengers and Servants of the late House of Assembly of *Upper Canada*.

A. Ritchie and others.

By Mr. *Durand* — The Petition of *Andrew Ritchie*, and others, of the District of *Wellington*.

Toronto Gas and  
Water Company Bill  
passed.

An engrossed Bill to incorporate a Company under the style and title of the "City of *Toronto* Gas light and water Company" was according to order, read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Holmes*, do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read :

Of Rev. T. Phillips.

Of the Reverend *Thomas Phillips*, of *Etobicoke*, stating that he is a Chaplain to the Legislature of the late Province of *Upper Canada*, and praying for a retired allowance of £100 per annum.



Of the Bishop and  
Clergy of Toronto.

Of the Right Reverend the Bishop and Clergy of *Toronto*, praying that the education of the Children of their own Church may be entrusted to their own Pastors ; and that an annual grant from the assessments may be awarded for their instruction.

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Of Rev. J. Anderson  
and others.

Of the Reverend *Johseph Anderson*, and others, Members of the Congregational Church of *Melbourne*, and its vicinity, praying that the Scriptures may be recognized as a class book in the Schools and Seminaries of the Province.

Of A. Johnston  
and others.

Of *Alexander Johnston*, and others, inhabitants of *North Gore*, praying for an aid for Roads and Bridges in the said *Gore*.

Of Rev. Rem. Gaulin  
and others.

Of the Right Reverend *Remegius Gaulin*, Roman Catholic Bishop of *Kingston*, and of the Reverend *A. Mauseau*, and *H. Hudon*, administrators of the diocese of *Montreal*, stating objections against the principles of the Bill, for the establishment of common Schools, now before the House, and desiring that it may not become Law until the opinion of the *Catholics*, and other religious denominations be known.

Of T. Gardner and  
others.

Of *Thomas Gardner*, and others, of the County of *Beauharnois*, praying that they be allowed to become Members of the Mutual Fire Insurance Company of the County of *Montreal*.

Of Rev. J. McMorine  
and others.

Of the Reverend *John McMorine*, and others Members of the *Presbyterian* Church in *Melbourne*, praying that the Scriptures may be recognized as a Class Book, in the Schools and Seminaries of the Province.

Of C. Wagner and  
others.

Of *Charles Wagner*, and others, apprentice Pilots for the River *St. Lawrence*, praying that they may be granted a license to act as Pilots in said River.

Of Rev. J. Cook and  
others.

Of the Reverend *John Cook*, *Robert Symes*, *Andrew Stuart*, and others, of *Quebec*, praying that the Scriptures may be recognized as a Class Book in the Schools and Seminaries of the Province.

Of McPherson,  
Crane, & Co.

Of *McPherson, Crane*, and *Company*, and others, engaged in the trade of forwarding, suggesting that means be taken to established (sic) a Censorship, whereby the fitness of Men for acting in the capacity of Pilots between the Village of the *Cedars* and the foot of the *Cascades* may be tested, and restricting their operations to within those points ; and that fair remunerating prices be established for training a sufficient number for the correct performance of that duty.

Of P. Langlois and  
others.

Of *Pierre Langlois*, and others, Pilots for and below the Harbour of *Quebec*, praying that no Bill may be passed affecting their interests without allowing them an opportunity to be heard thereon.

Of H. McGilvray  
and others.

Of *Hector McGilvray*, and others, inhabitants of the County of *York* and City of *Toronto*, praying for the effectual suppression of *Orange Associations*.

*Petitions referred.*

On motion of Mr. *Johnston*, seconded by Mr. *Sherwood*,

Of M. Rourke, to  
sel. Committee.

*Resolved* — That the Petition of *Mathew Rourke*, of *Kingston*, Merchant, presented to the House on the 16th instant, be referred to a Select Committee, composed of Mr. *Armstrong*, Mr. *Price*, Mr. *Morin*, Mr. *Taché*, Mr. Solicitor General *Day*, and Mr. *Roblin*, to examine the contents thereof, and report thereon with all convenient speed, by bill or otherwise ; with power to send for persons, papers, and records.

Of McPherson,  
Crane & Co. to  
Committee on transit  
of products.

*Ordered* — That the Petition of *McPherson, Crane*, and *Company*, and others engaged in the trade of forwarding, be referred to the Special Committee appointed to examine into the prices paid and the method adopted for the transit of products on the different communications within this Province ; and to which was referred the Message of His Excellency the Governor General relating to the introduction of the products of the Province into the Ports of *Great Britain*, free of duty.

Of Bishop and  
Clergy of Toronto  
to Committee on  
schools.

*Ordered* — That the Petition of the Right Reverend the Bishop, and Clergy of *Toronto*, be referred to the Select Committee on the Bill to repeal certain Acts therein mentioned, and to make provision for the establishment and maintenance of Common Schools throughout this Province, and other references.

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Of Rev. J. McMorine,  
to same Committee.

*Ordered* — That the Petition of the Reverend *John McMorine* and others Members of the *Presbyterian Church in Melbourne*, be referred to the said Committee.

Of R. E. Vidal and  
others to select  
Committee.

On motion of Mr. *Cameron*, seconded by Mr. *Durand*.

*Resolved* — That the Petition of *Richard E. Vidal*, and others, inhabitants of the Township of *Sarnia*, presented to the House yesterday, be referred to a Select Committee, composed of Mr. *Durand* and Mr. *Neilson*, to examine the contents thereof, and report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Of P. Langlois and  
others to Committee  
on Trinity House,  
Quebec.

*Ordered* — That the Petition of *Pierre Langlois*, and others, Pilots for and below the harbor of *Quebec*, be referred to the Select Committee to which was referred the Bill to repeal and amend, in part, certain Acts therein mentioned, and to extend the powers, and increase the funds, of the Trinity House of *Quebec*.

Return respecting Res-  
ponsible Government  
laid before the House.

The Honourable *S. B. Harrison*, presented, pursuant to an Address to His Excellency the Governor General, of the 5th instant, a Return on the subject of responsible Government.

For the said Return, see appendix (B. B.)

Also Return to  
Address on natura-  
lization of Aliens.

And also a Return to an Address to His Excellency the Governor General, of the 13th instant, on the subject of the naturalization of Aliens.

Return.

#### RETURN

To an Address from the House of Assembly to His Excellency the Governor General, dated 13th *August*, 1841, praying for "copies of all "despatches from Her Majesty's Government to the Executive of this "Province, on the subject of the naturalization of Aliens; and also "those which may have been addressed by the Provincial Government "to the Colonial Secretary, on the same subject, and all other documents "relative thereto."

NIL.

N. B. A Despatch was, however, received by the Governor General of *British North America*, while in *Lower Canada*, and before the Union of the Provinces, from the enclosure to which an extract is subjoined, as well as from a despatch in reply, having reference to conferring privileges prospectively, as an inducement to *Americans* to settle.

THOS. C. MURDOCH.

Kingston, 20th August, 1841.

Extract from en-  
closure in Despatch  
from Lord J. Russell  
on granting land  
to Americans.

Extract from a letter from the Colonial Land and Emigration Commissioners, to the Colonial Department, dated 4th *August*, 1840, and enclosed in a despatch from Lord *John Russell* to the Governor General, dated 8th *September*, 1840, No. 221 :

"As connected with the subject, we may mention that a great proportion of these occupants are said to be natives of the United States, and consequently incapable of acquiring property in Land. But of their superior skill and industry in clearing the ground they occupy, there can be no doubt. In fact it is not to be supposed that any class of persons coming from an old country, can equal their knowledge, courage, and endurance, in contending with, and overcoming the passive resistance of the wilderness. It seems obviously desirable that so useful a description of settlers should be enabled to acquire a title to Land

themselves; and we therefore hope that the Legislature in *Canada*, as we believe has been the case in the Upper Province, will afford facilities to the naturalization of well conducted and resident foreigners, who may be desirous of acquiring a recognized property in Land."

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"We recommend that facilities should be afforded to resident and well conducted Foreigners, to acquire a valid title to landed property."

Extract from a despatch from the Governor General to the Right Honourable Lord *John Russell*, dated *Montreal*, 12th *October*, 1840, No. 179.

Extract from Despatch from His Excellency to Lord J. Russell on encouraging settlers from the United States.

The encouragement of settlers from the United States, by any direct alteration of the existing Law, I should deprecate at the present moment. Practically, there is, I believe, no difficulty in their acquiring land, but I do not think it would be advantageous to confer on them, as a right, what they now enjoy only on the sufferance of the *British* Government.

With every respect for their energy and intelligence, and fully admitting that as the pioneers of civilization they are superior to every other people, I do not think it would be wise, by any general measure, to invite their settlement in large numbers in the more populous portions of *Canada*. There is a spirit of propagandism among *American* citizens, which makes it necessary to observe great caution in this matter. At the same time, I think that, in individual cases, their claims to be admitted to the rights of *British* subjects, on certain conditions, should be considered in the most liberal spirit; and I am happy to believe that for several years past, this spirit has prevailed in both Provinces."

Message from His Excellency.

The Honourable *S. B. Harrison*, one of Her Majesty's Executive Council, delivered to Mr. Speaker two Messages from His Excellency the Governor General, signed by His Excellency.

And the said Messages were read by Mr. Speaker, all the members of the House being uncovered, and are as followeth:—

SYDENHAM,

Message with copy of Instructions to His Excellency.

In answer to two Addresses of the 10th August, the Governor General informs the House of Assembly, that Her Majesty's Government having deemed it expedient to make public the "Instructions", with which he was honoured on assuming the Government of Her Majesty's possessions in *British North America*, he has great pleasure in laying them before the House of Assembly. There are no communications to Sir *George Arthur* answering the description of "Instructions," the directions of Her Majesty's Government, having been conveyed in the usual way in despatches, bearing on different subjects, as occasion required.

Government House, }  
Kingston, 19th August, 1841. }

No. 1.

Downing Street, 7th September, 1839.

SIR,

Despatch conveying to His Excellency Her Majesty's Instructions on his assumption of the Government of Br. N. America.

The Queen having been pleased to confide to you the Government of the *British* Provinces in *North America*, I now transmit to you the various commissions, under the Great Seal, which authorize you to assume and execute that office. The intimate knowledge, which, as one of Her Majesty's confidential advisers, you have acquired, of the progress of *Canadian* affairs during the last few years, and of the views of Her Majesty's Government on that subject, relieves me from the necessity of entering on various explanations, which it would otherwise have been my duty to afford you. But it is fit that I should, on the present occasion, record for your guidance the intentions of the Ministers of the Crown, on the principal topics of *Canadian* policy, on



which you will be called, as the Governor of those Provinces, to co-operate with them.

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The Bill introduced into the House of Commons during the present Session of Parliament, embodied, as you are aware, the results of deliberate reflection on the various suggestions contained in the Reports of the Earl of *Durham*. The hope of passing that measure into a law, before the Parliamentary recess, was defeated by various circumstances which occurred, and especially by the intelligence, which, in the commencement of the month of *June*, reached us, from the Lieutenant Governor of *Upper Canada*, of the state of public opinion in that Colony, as expressed by the Resolutions of the Council and Assembly. We have never concealed from ourselves, that the success of any plan for the settlement of *Canadian* affairs, must depend on the concurrence and support of the Provinces themselves. To learn their deliberate wishes, and to obtain their co-operation, by frank and unreserved personal intercourse, will, therefore, be the first and most important of the duties which you will be called upon to perform.

In our anxiety thus to consult, and as far as may be possible, to defer to public opinion in the *Canadas*, on the subject of Constitutional changes, Her Majesty's Government must be understood as entertaining a very strong conviction in favor of the Policy of the measure, which they have proposed for the adoption of Parliament, attaching minor importance to the subordinate details of that Bill, we have found no sufficient reason for distrusting the principles on which it proceeds. These are, — a Legislative Union of the two Provinces — a just regard to the claims of either Province in adjusting the terms of that Union — the maintenance of the three Estates of the Provincial Legislature — the settlement of a permanent Civil List for securing the independence of the Judges, and to the Executive Government, that freedom of action which is necessary for the Public good, — and the establishment of a system of Local Government, by representative Bodies, freely elected, in the various Cities and Rural Districts. From any of these principles, Her Majesty's Government would be most reluctant to recede. After a full investigation of every other plan which has been suggested, they have not been able to discern, in any but this, the reasonable hope of a satisfactory settlement. It will therefore be your first duty to endeavour to obtain for that measure, such an assent in its general principles, and such a correction of its details, as may render it acceptable to the Provinces, and productive of permanent advantage. There are various modes by which this object may be accomplished, and in giving an outline of them Her Majesty has commanded to me to express to you Her reliance upon your judgment, to be formed upon the spot, as to the employment of such as may be most conducive to the contentment and advantage of Her *Canadian* subjects.

1. You may appoint, by authority of the Executive, a certain number of persons of weight and experience, selected from each Province, to frame articles of Union, to be afterwards proposed to the Legislature of *Upper Canada*.

2. You may assemble the Legislature of *Upper Canada*, and propose to them the appointment of a certain number of Commissioners, to confer with others named by the Special Council of *Lower Canada*.

3. If you find that your overtures to the Assembly of *Upper Canada*, are not met in a fair, conciliatory, and reasonable spirit, you may proceed to dissolve the present Assembly, and appeal to the sense of the inhabitants of the Province. But in the late unsettled state of the Province, in the presence of repressed disaffection, with the necessity of a second dissolution before the Assembly of the United Province can meet, — this step must not be resorted to without the gravest deliberation.

In whatever method you may proceed, Her Majesty's Government will expect to receive from you, founded on competent authority, such

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a plan of representation, with a division into Cities and Districts, as may enable them to lay the scheme before Parliament, with confidence in the data on which it has been framed, and in the justice of the general arrangement.

I will not now argue on a further supposition, viz : that from difficulty of detail, or mutual disinclination, the plan of Union may be found altogether impracticable, should you find, after all your efforts that such is the result, you will lose no time in communicating to me, for Her Majesty's information, the grounds of your opinion, and the nature of any alternative which may seem to you more conducive to the general good.

But above all things, it is important to avoid unnecessary delay. The discussion which has already been protracted at the expense of so much evil, and still greater hazard to the interests of the *Canadian* Provinces, and of this Kingdom, cannot be too speedily brought to a close Her Majesty's Government will therefore anxiously await the result of your enquires (sic) as to the state of public opinion in the *Canadas*, respecting the proposed Union, and the terms on which, in your opinion, it should be effected. I earnestly trust that it may be received in this Country by a period sufficiently early to enable us to communicate it to Parliament at the commencement, or soon after the commencement, of the Session of 1840, and then to proceed at once with such measures as may be required to meet the exigencies of the case.

The intelligence which has reached me from *Upper Canada*, makes it probable that you may be called upon for some explanation of the views of the Ministers of the Crown, on a question, respecting which the Bill, to which I referred is necessarily silent. I allude to the nature and extent of the control, which the popular Branch of the United Legislature will be admitted to exercise, over the conduct of the Executive Government ; and the continuance in the public service of its principal Officers. But it is evidently impossible to reduce into the form of a positive enactment, a constitutional principle of this nature. The importance of maintaining the utmost possible harmony, between the policy of the Legislature, and of the Executive Government, admits of no question ; and it will, of course, be your anxious endeavour, to call to your Counsels, and to employ in the public service, those persons who, by their position and character, have obtained the general confidence and esteem of the inhabitants of the Province.

The military defence of the *Canadas* is another subject of common interest to both Provinces, on which it is necessary that you should be apprized of the views of Her Majesty's Government. In the correspondence between Lord *Glenelg* and Sir *John Colborne*, and especially in the despatches of the latter, you will find a full discussion of the plans which have been devised for that purpose. Amongst them is a scheme for extended fortifications, to be erected and maintained at an expense, which it is not evident will be compensated by any equivalent advantage.

For the present, at least, notwithstanding the deference so justly due to the opinions of that distinguished Officer, the Ministers of the Crown cannot recommend the adoption of this scheme. On the other hand, the plan suggested from this Country, and sanctioned by Sir *John Colborne*, of creating Military Settlements on the Frontier, on the principle of veteran Battalions, appears, to the Ministers of the Crown, as at once the most effective, and the most economical plan of defence, which could be pursued. Measures will be taken, with the least possible delay, for carrying it into effect ; and, in the mean time, you will discourage and prevent, as far as may be compatible with the public safety, either the augmentation, or the continuance on foot of the volunteers, of the *sedentary* (sic) corps which were embodied during the last winter, as a

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reinforcement to the regular army. On all subjects of this nature, however, you will consult Sir *Richard Jackson*, whose judgment and military knowledge will be of the greatest service to you.

The only topic which it remains to notice, as affecting the two *Canadian* Provinces, as alike, is that of raising an emigration fund from the proceeds of the sales of the Crown lands. Unfortunately the very elaborate Report communicated to me by Lord *Durham* on this subject, serves but to confirm, and to place in a still clearer light, the difficulties by which, as we were previously aware, the promotion of this most important object is obstructed. Such is the extent of land alienated, and so inconsiderable the proportion which still remains vested in the Crown, that the hope of rendering any effectual aid to emigration by the sale of such lands, cannot, at present, be reasonably entertained. The necessary preliminary to the introduction of any such system, would be the resumption of the large tracts of land held by grantees in a barren and unprofitable state. This could be effected only by the imposition of a tax on uncleared land, and by enactments for the collection of that Tax, to ensure the due execution of the law. In the Lower Province there exists, at the present time, no authority by which such a tax could be imposed. In the Upper Province, it is hardly to be expected, that in the present state of affairs, the difficulties which encompass the subject will be effectually overcome. Amongst the benefits to be anticipated from the Union of the Provinces, it is not the least important, that the United Legislature would be able to act, upon subjects of this nature, with a great comparative freedom from the undue bias of local interests, and with a large view to the permanent improvement of the Provinces.

Such being the principal subjects of common interest to the two Provinces, to which your attention will be immediately called, I have next to notice those which will relate exclusively to the Province of *Lower Canada*.

The act which has been passed in the last Session of Parliament, in amendment of the act of the first year of Her Majesty's Reign, providing for the temporary administration of the Government of *Lower Canada*, will relieve you and the Special Council from many of the impediments by which your immediate Predecessor has been encountered, in the attempt to promote the internal interests of the Province. Sir *John Colborne's* dispatches, and especially that of the 15th *March*, 1839, have pointed out very clearly many objects of great public utility, which he was unable to advance, in consequence of the restrictions under which the Legislative powers confided to him, and to the Special Council, were exercised. To these your attention will, of course, be given. Much as the suspension of Constitutional Government in *Lower Canada* is to be regretted, it will not be without a very considerable compensation, if, during the interval, arrangements should be maturely and wisely made, for securing to the people at large the benefit of those social institutions, from which, in former times the thoughts of the local Legislature were diverted, by the controversies which then agitated the Provincial society.

The establishment of Municipal Institutions, for the management of all local affairs, will be among the most important of the subjects to which your attention will be called. On this subject, I would refer you to the Report of the Earl of *Durham*, and the Appendix, marked C., by which it is accompanied. Although the Commissioners whom His Lordship appointed to investigate the question, were unable, from the shortness of the time, to submit to him any conclusive recommendations respecting it, the information which they collected, will prove of much advantage to you. On the importance of such Institutions, I need not enlarge: your acquaintance with the system of Municipal Govern-



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ment in this Country, will point out to you that there is no mode in which local affairs can be so properly administered, and that they form, at the same time, the most appropriate and effectual means, of training the great body of the people to the higher branches of Legislation.

The promotion of education among all classes of the people, will also engage your earnest attention. On this subject, I can add nothing to the information afforded by the Reports of the Earl of *Gosford*, and his colleagues, and of the Earl of *Durham*. It will afford Her Majesty's Government the most sincere satisfaction, to co-operate with you, in any measures which you may adopt, for the furtherance of this important object.

In any view which can now be taken of the affairs of *British North America*, it is obvious that those of *Upper Canada* must occupy a very prominent place. I am persuaded that the zeal for the public good, and the superiority to considerations of a nature merely personal, by which the present Lieutenant Governor has been distinguished during his long career of public service, will obviate the risk of any dissatisfaction being entertained by him, if you should find it necessary, for a time, to assume, in person, the administration of the Government of *Upper Canada*, and during that period to supersede him in the discharge of his functions. In the prosecution, therefore, of your endeavour to obtain as much agreement as possible, in the plan to be hereafter submitted to the Imperial Parliament, you will not hesitate to repair to *Toronto*. When there, you will, of course, avail yourself of the experience which Sir *George Arthur* has acquired, and of the assistance which he will have both the ability and the disposition to afford you.

The first topic which will engage your attention in *Upper Canada* is the present financial state of the Province. This has been most elaborately explained in the Lieutenant Governor's recent despatches. Embarrassing as the immediate state of the question is, it is yet gratifying to learn from those communications, that the difficulties in which the Provincial Treasury is involved, originate in causes which do not affect the wealth, or the ultimate resources of the Province. Having undertaken great internal improvements, especially those of the *Welland* and *Rideau* Canals, with inadequate resources, the works have been very imperfectly completed, and the Returns are absorbed in a succession of repairs, which would not have been required if the Canals had been originally formed with a greater command of Capital. These works having also been effected by borrowed money, the loans have been raised at a higher rate of interest than would have been required, if the credit of the Province had not been diminished by the absorption of its Revenue in such undertakings. Further, it appears that the Provincial Treasury might have been recruited, with no perceptible addition to the public burthens, if it had been possible to increase, to a moderate extent, the duties of import on goods introduced for consumption. But under the combined influence of these causes, the expenditure has, at length, far exceeded the receipt; and some measure for re-instating the Provincial Treasury in a secure condition, have become indispensable.

Her Majesty's Government willingly acknowledge the great advantage which will arise from extending to *Upper Canada* such aid as the Revenue of *Great Britain* could afford, consistently with a due regard to the interest of this Kingdom, and of the other members of the Empire at large. This is, however, a subject for distinct consideration. For the present, I shall confine my attention to the remedial measures adopted by the local Legislature in their last Session.

Of these, the first was the raising a loan by Government Debentures, which was sanctioned by a Bill intituled "*An Act to afford further facilities to negotiate Debentures for the completion of certain works.*"

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This Bill was reserved for the signification of Her Majesty's pleasure, and has been confirmed by the Queen in Council.

The second financial measure of the year, was the enactment of a Bill authorizing the issue of Treasury Notes, to the amount of £250,000 sterling, for £1 each. This Bill has also been reserved for the signification of Her Majesty's pleasure. I regret to state, that Her Majesty cannot be advised to confirm it. The issue of such an amount of small inconvertible paper money, as a resource for sustaining the Public Credit, is not to be justified, even by the present exigency of Public affairs. The effect of the measure on the currency and monetary transactions of *Upper Canada*, and on the value of private property throughout the Province, must be such, as to counterbalance any advantage which could be obtained from this temporary relief. If the credit of the country can be made available to sustain, for a time, the transactions of the local Treasury, in a less hazardous and objectionable form, you will accede to any plan of that nature. It is only as a temporary expedient that any such recourse will be requisite; and it is of great importance to the future welfare, of the Province, that the scheme devised to meet the pressure of the passing day, should not be such as to preclude the early return to a more salutary course of financial operations.

A third measure, of the same general character, has been adopted by the local Legislature, to provide for the indemnity of the sufferers by hostile incursions from the *United States*. The Bill for this purpose, intituled "*An Act to ascertain and provide for the payment of all just claims arising from the late Rebellion and Invasions of this Province*," has also been reserved for the signification of Her Majesty's pleasure. I fear that Her Majesty's Assent to this Bill, in its present form, cannot be given. The objection is not to the measure itself, in the propriety of which Her Majesty's Government entirely concur. But we think (sic) it impossible to advise the Queen to assent to an Act, which, if so sanctioned, would, by the terms of the preamble, convey a pledge from Her Majesty, that the charge of this indemnity, should be ultimately borne by the *British Treasury*. The principle involved in this declaration is of too much importance to be thus incidentally recognized, even supposing it to be right that it should be admitted at all. Neither could Her Majesty properly affirm, in so solemn a manner, Her acquiescence in this claim on the Revenue of this country, unless it had been previously sanctioned by Parliament — a sanction which has not been, and which could not hitherto have been obtained, if a similar Bill should be passed, with the omission of the preamble, you will readily concur in the enactment of it.

The Legislature of *Upper Canada* has also passed a Bill which has, in like manner, been reserved, for settling a civil list on Her Majesty, in exchange for the Crown Revenues of the Province. It is with sincere regret that I am compelled to announce, that this is also a measure from which, in its present form, the assent of the Crown must be withheld. — The effect of it is to exclude from the protection of the grant, the Clergy who at present derive their maintenance from the Crown Revenue, and of whom the great majority resorted to *Upper Canada* on the assurance that their stipends would be thus secured to them. Now as this charge has been lawfully fixed upon the Crown Revenue, and as the Crown has no other resource from which it could be paid, it is impossible to accept the proposed civil list on such terms. Anxious as Her Majesty's Government are to defer to the Representatives of the People of *Upper Canada*, in all matters connected with the internal Government of that Province, they cannot consent to a measure which would practically involve a violation of the pledged faith of the Crown. We cannot decline the obligation of maintaining the rights of the Clergy

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in question ; and I can only express my hope that the local Legislature may concur with the Ministers of the Crown as to the propriety of re-enacting this Bill, with the addition of the charge necessary for the maintenance of those rights. The burthen will cease with the lives of the present incumbents, and is now in the course of a progressive diminution.

The last of the reserved Bills of the late Session, has reference to the long controverted subject of the Clergy Reserves. To this Bill the Royal assent could not have lawfully been given, until it had been laid for *thirty* days before either House of Parliament. It was not until the 15th *August* that I received from the Lieutenant Governor the document necessary to enable me to fulfill the requisition of the Constitutional Act of 1791. It was therefore impossible that the Bill should be finally enacted by the Queen in Council, until after the commencement of the Parliamentary Session of 1840. But had this difficulty not arisen, there were other motives which would have effectually prevented the acceptance of this measure by Her Majesty. Parliament delegated to the local Legislature the right of appropriating the Clergy Reserves, and the effect of the Bill is to re-transfer this duty from the local Legislature to Parliament with a particular restriction. I am advised by the Law Officers of the Crown that this is an unconstitutional proceeding. It is certainly unusual and inconvenient. Her Majesty cannot assume that Parliament will accept this delegated office, and if it should not be so accepted, the confirmation of the Bill would be productive of serious prejudice, and of no substantial advantage. It would postpone indefinitely the settlement of a question, which it much concerns the welfare of the Provinces to bring to a close. Besides, I cannot admit that there exists, in this Country, greater facilities than in *Upper Canada* for the adjustment of this controversy. On the contrary, the Provincial Legislature will bring to the decision of it, an extent of accurate information as to the wants and general opinions of society in that Country, in which Parliament is unavoidably deficient. For all these reasons, Her Majesty will decline to give Her assent to this Bill.

I have thus adverted to the principal topics which will engage your attention, as Governor General of *British North America*, in reference to the two *Canadas* ; omitting many minor questions which will form the subject of future correspondence, and passing by, for the present, all that relates to the affairs of *New Brunswick*, *Nova Scotia* and *Prince Edward Island* — I reserve these for consideration hereafter.

Finally, I am commended to direct, that in all the Provinces of *British North America*, you will inculcate upon the minds of the Queen's subjects, Her Majesty's fixed determination to maintain the connexion now subsisting (sic) between them and the United Kingdom ; and to exercise the high authority with which she has been invested by the favour of Divine Providence, for the promotion of their happiness, and the security of Her Dominions.

I have, &c.

(Signed) J. RUSSELL.

SYDENHAM,

Message from His Excellency on Public Improvements.

In pursuance of the declaration contained in his Speech from the Throne, the Governor General solicits the attention of the House of Assembly to the Public Improvements which it may be desirable to carry into effect within the Province, and to the means by which those works may be safely and successfully undertaken.

It has appeared to the Governor General of great importance that Parliament as well as the Executive should have distinctly brought before them, in one general plan, the whole of the different works which

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are demanded by the public voice, and appear likely to tend to the increase of trade and to the advantage of the Country. Such works as the Legislature shall decide upon adopting, may thus be conducted upon

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one uniform system, having reference as well to each particular work as to the whole, and great advantage will result both as regards their execution, and in making provision for the funds necessary for the undertaking.

The Governor General accordingly directed a Report to be prepared upon the subject by the President of the Board of Works, and that Department having now been established by Law for the whole Province, he transmits this document for the consideration of the House of Assembly.

This Report will be found to embrace all the great improvements which appear at all desirable for some time to come, or that afford promise of rendering a return for the Capital to be expended upon them. The completion of the Welland Canal — the opening the communication between *Kingston* and *Montreal* by the *St. Lawrence* for Schooners and Steamboats — the improvement of Lake *St. Peter*, and the navigation between *Quebec* and *Montreal* for Vessels of large burthen — opening the River *Richelieu* so as to perfect the navigation through that River by the *Chambly* Canal — the construction of Slides for Timber, and other works on the *Ottawa* — the improvement of the Inland waters of the *Newcastle* District — the construction of a Port and Light Houses in Lake *Erie*, and the improvement of *Burlington* Bay Harbour — the establishment or improvement of great lines of Road from *Quebec* to *Amherstburgh* and *Port Sarnia*, from *Toronto* to Lake *Huron*, and between *Quebec* and the *Eastern Townships* — and the improvement of the *Metis* Road, and of the communications near the Bay of *Chaleurs*.

The total cost of all these works thus enumerated, would involve an expenditure of about £1,470,000 Provincial Sterling, to be spread over a period of five years necessary for their completion.

Whether the whole or any part of these works shall be decided on by Parliament, it is clear, that in the present financial state of the Province, whatever is required for their construction must be provided by drawing on the Public credit.

The Statement of the Provincial Receipts and Expenditure submitted to Parliament, although exhibiting, after the payment of the charges for the Public Service, a considerable surplus in proportion to the Revenue, affords nothing from which, as Capital, the costs of works of any importance can be defrayed.

Parliament must therefore provide the means for raising the Capital required for the execution of these Public Works, which it may determine to adopt, and at the same time afford such security as may be necessary for the annual interest upon the money to be borrowed, as well as for the gradual extinction of the debt, until the works themselves become productive.

If the whole of the works specified in the Report are determined upon, the charge for interest upon the total sum required, calculated at the rate of interest usual in this Province, would be between £80,000 and £90,000, a charge which it would be difficult to impose at once upon the Country.

Means however exist, by which such an increase of the charge upon the Revenue of the Province may be materially reduced, whilst the Capital itself may notwithstanding be provided.

The reduction of the Interest of the Public Debt, through the assistance to be afforded by the Imperial Parliament, would probably reduce the present charges upon the Provincial Revenue by a sum of between £15,000 and £20,000 per annum, which will thus become available as security for any fresh Loan.

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There will remain, after effecting this conversion, a surplus of from £250,000 to £300,000 still further to be raised under the Imperial guarantee at a low rate of interest, by which an additional saving will be effected of about £6,000 a-year.

A very considerable amount of the Capital required might be raised, without any charge whatever for interest, by the assumption by the Province of the issue of Paper payable on demand, which is now enjoyed by private Banks or by individuals, without their being subjected to any charge whatever in return for the power thus accorded to them by the State. If that power were resumed to the fullest extent, a Capital representing a Revenue of not less than £35,000 a-year might be provided. But even under such an arrangement as would afford great advantages to the various Banks at present issuing paper, as a compensation for their being in future deprived of that power, a Revenue of not less than £15,000 or £20,000 might be safely relied on.

The Union of the two Provinces has now placed within the control of the Parliament, the regulation of the Customs Duties which under the separate Legislatures was attended with so much difficulty, and a wise and prudent re-adjustment of some of these Duties will render the Revenue far more productive than at present, and easily furnish, without any injury to the trade of the Country or any pressure on the people, what may be further required to provide for the remaining charge.

There is also one of the works to which, although great importance is justly attached to it, it will, in the opinion of the Governor General, be just, as well as possible, to affix a condition by which the annual charge above submitted for the whole may be diminished. The navigation of the *St. Lawrence* involves the expenditure of nearly one half of the whole sum calculated on. That work is undoubtedly highly desirable, but it scarcely justifies so great an expenditure at present, unless some diminution of the annual charge for interest upon the sum to be raised can be obtained. Nor is such a diminution to be unhopd for. Many Capitalists in England are interested in the promotion of this work, and especially in seeing the communication between Lake *St. Louis* and Lake *St. Francis* established on the *Southern* side of the River *St. Lawrence*. The Governor General has reason to expect, that assistance will be afforded upon this condition, and he would not therefore recommend that this undertaking should be sanctioned, unless, as a condition, the greater part of the Capital required for it can be raised at a low rate of interest, not much exceeding that which the Province would have to support for such part of its debt as will be guaranteed by *England*.

Entertaining these opinions, the Governor General has therefore directed measures to be submitted to the House of Assembly embodying them, which he recommends to their favorable consideration.

However large the expenditure may appear, to which the improvements recommended by the Board of Works will amount, the Governor General feels that it is his duty, looking to their vast importance, to submit them to the judgment of the Country, and a measure will therefore be presented to the House which comprises the whole of them.

If they are undertaken, it is no less the bounden duty of Parliament and of the Executive Government to take care that means sufficient for their completion are provided, and that the credit of the Province shall be sustained in any engagements which are rendered necessary for raising funds for that purpose. He has therefore directed that simultaneously with the proposal for the works themselves, measures should be submitted to the Assembly, for the conversion of the Debt, for the establishment of a Bank, and for the regulation of the Customs; and he desires to express his anxious wish to concur with the Assembly in

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whatever decision they may arrive at, by which objects of such importance to the welfare of the Province may be obtained, consistently with that due regard to the interests of the people, to Public credit, and to the maintenance of engagements, without which it would be alike unjust and impolitic to attempt to carry them into execution.

Kingston, 20th August, 1841.

For the documents accompanying the message relative to public improvements, See Appendix, (C. C.)

**Sir A. MacNab** spoke on the subject pointing out the advantages in case of defence, of having Burlington Bay Canal in a complete and efficient state, together with a planked road to Port Dover.<sup>1</sup>

**Mr. Harrison** was willing to allow the importance of what had just been alluded to by the last speaker; but the works recommenced by Mr. Killaly in his official capacity and experience, were considered paramount to all others. The money to effect them must of necessity come from Great Britain unless some other means were distinctly visible, whereby the colony could furnish the funds from its own resources, (a thing not very probable) consequently those of minor consequence ought to succumb to them. If however the Parliament should recommend any others to be undertaken, the government would be happy as far as it possibly could, to carry them into effect. The road to Port Dover he knew from his acquaintance with that section of the country would be very advantageously put in a good state. The defences that were also alluded to in connexion with Lake Ontario, he was perfectly ready to concede the propriety of attending to, although he could not pretend to the *military experience* of some hon. and gallant members (hear). The hon. Secretary then moved, that the said documents be referred to a committee of the whole house on Tuesday next.<sup>2</sup>

**Mr. Cartwright** trusted no feeling of local jealousy would exhibit itself on this occasion. The country he said resembled a vast body, all parts of which would be equally benefitted by the improvements referred to.<sup>3</sup>

**Mr. Merritt** expressed himself dissatisfied with the exposition that had been given. Where was the revenue of £380,000 gone to, he asked, if nothing remained for public works? If the St. Lawrence was not specially provided for, he would introduce a bill expressly on the subject.<sup>4</sup>

**Mr. Hincks** supported the motion. He would however suggest that on Tuesday, the ministers should be prepared to submit to the house, the state of the revenue and the finances of the colony, together with the expenditure.<sup>5</sup>

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Motion to print 500 copies of Message on Public Improvements in French & English.

The Honourable M. *Harrison* moved, seconded by Mr. Solicitor General *Day*,

That five hundred copies of the message relative to public improvements, together with the accompanying document, be printed in the *English* language, and five hundred copies in the *French* language, for the use of the Members of this House.

Mr. *Holmes*, moved in amendment, seconded by Mr. *Neilson*,

That the words "five hundred" be struck out of the said motion, and the words "one thousand" substituted in lieu thereof.

The question having been put upon the motion of amendment, a division ensued, and it was carried in the Affirmative.

The question being then put on the main motion, as amended, it was also agreed to by the House, and —

*Ordered* — Accordingly.

Message on Public Improvements referred to Committee of whole on Tuesday.

*Resolved* — That this House will, on *Tuesday* next, resolve itself into a Committee of the whole House, to take into consideration the message of His Excellency the Governor General, relative to public improvements, together with the documents accompanying the same.

Message from Legislative Council.

A message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery.

MR. SPEAKER,

Bill for recovery of Small Debts passed Legislative Council.

The Legislative Council have passed the Bill entituled "*An Act to repeal the laws now in force in that part of this Province formerly 'Upper Canada, for the recovery of small debt, and to make other provision therefor,'*" without any amendment.

And also,



LEGISLATIVE COUNCIL, WEDNESDAY, 18th AUGUST, 1841.

Speakers to wait on His Excellency respecting joint address on Timber duties.

*Ordered* — That the Speaker of this House do wait upon His Excellency the Governor General, with the Honourable the Speaker of the Legislative Assembly, to know when His Excellency would be pleased to receive the joint address of both Houses, with the Petitions to Her Majesty and the two Houses of the Imperial Parliament, on the subject of the Timber duties, and to present the same.

*Ordered* — That the preceding Resolution be communicated to the Legislative Assembly, by the Master in Chancery, and that he be directed to request that that part of the same which relates to their Speaker may be concurred in.

And then he withdrew.

The above message concurred in.

On motion of Mr. *Neilson*, seconded by Mr. Attorney General *Draper*,

*Resolved* — That this House doth concur in the message of the Legislative Council, relating to the Speaker of this House, waiting on His Excellency the Governor General, to know when His Excellency

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will be pleased to receive the joint address of both Houses, with the Petitions to Her Majesty and the two Houses of the Imperial Parliament, on the subject of the Timber duties.

*Resolved* — That the said Resolution be communicated, by message, to the Legislative Council.

*Ordered* — That Mr. *Neilson*, do carry the said message to the Legislative Council.

Committee on Petition of Dame E. Gamelin, and of Montreal Rom. Cath. Orphan Asylum, report two Bills, which were read 1st time.

The Honourable Mr. *Viger*, from the select Committee to which was referred the Petition of Dame *Emilie Gamelin*, and others, of *Montreal*, — and the Petition of the Ladies of the *Roman Catholic Orphan Asylum of Montreal*, — with power to report by Bill or otherwise, — presented to the House a Bill to incorporate the *Montreal Asylum* for aged and infirm women, and a Bill to incorporate the Ladies of the *Roman Catholic Orphan Asylum of Montreal*, — which were severally received, and read for the first time.

*Ordered* — That the Bill to incorporate the *Montreal Asylum* for aged and infirm women, be read a second time on *Monday* next.

*Ordered* — That the Bill to incorporate the Ladies of the *Roman Catholic Orphan Asylum of Montreal*, be read a second time on *Monday* next.

Committee on Resolution on Incorporation of Quebec, report bill.

Mr. *Neilson*, from the Special Committee to which was referred the Resolution of this House of the 26th *July* last, on the subject of the Ordinances of the Governor and Special Council of the late Province of *Lower Canada*, relating to the incorporation of the City of *Quebec*; with power to report by Bill or otherwise, presented to the House a Bill to amend certain Ordinances therein mentioned, relative to the incorporation of the City of *Quebec*; which was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Wednesday* next.

Committee on Bill to regulate practice of Medicine, report Bill with amendments.

Mr. *McCulloch*, from the select Committee to which was referred the Bill to regulate the practice of Medicine, Surgery, and Midwifery, within this Province, reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table.

Bill referred to a Committee of whole on Monday.

*Ordered* — That the said Bill and report, be referred to a Committee of the whole House, on *Monday* next.

Addition to Committee on petition of S. McKenzie and others.

*Ordered* — That Messieurs *Buchanan, Hopkins* and *Thorburn*, be added to the Special Committee, to which was referred the Petition of *Simon McKenzie, Thomas Chapman*, and others, of the District of *Gore*.<sup>6</sup>

Mr. Small moves that Mr. Quesnel be substituted for himself on Committee on Petition of P. Leppard.

Mr. *Small* moved, seconded by Mr. *Harmanus Smith*, that his name be expunged from the Special Committee to which was referred the Petition of *Peter Leppard*, of *East Gwillimbury, Home District*, and other references, and that Mr. *Quesnel* be added to the said Committee.<sup>7</sup>

The member for Hamilton ((**Mr. MacNab**)), ... opposed the motion ; substituting an amendment to the effect, that Mr. Small be continued on the committee ; the petition of the Mayor and Corporation of Toronto be discharged from the same, and ... proposed that a committee of five consisting of *himself* the *Chairman* ! Mr. Cartwright and some other gentlemen of the same ... principles, together with two other gentlemen, on the opposite side of politics be appointed solely and expressly to consider the prayer of the petitioners.<sup>8</sup>

**Mr. Small** opposed this as highly improper. The grievances alleged against the mal-administration of justice in the Home District, he said had existed for years, and the petition ought, if *justice* was *aimed* at, to be referred to the committee as appointed.<sup>9</sup>

**Mr. Hincks** was of opinion that it would have been much to the credit of the member for Hamilton, if the same decency which had actuated the member for the 3rd Riding for York, in asking the house to expunge his name, had been observed by him ; but to propose that he himself who was connected with one of the Corporation....<sup>10</sup>

**Mr. Sherwood**, ((called)) hear, hear.<sup>11</sup>

((**Mr. Hincks** continued, proposing that he himself who was connected with one of the Corporation)) should be the chairman of a committee named by *himself*....<sup>12</sup>

**Mr. Baldwin** said the very principle now contended for had been already refused by the house, and he saw no reason now to rescind that refusal. He for his part would never consent to the nomination of any one to a committee who was deeply interested from party motives in the subject referred to it.<sup>13</sup>

**Sir Allan MacNab** ... withdrew his motion, then turning his back politely on the Speaker, he gave vent to his indignation against his opponents, for their presumption in attempting to mar his project ; and being called to order from the chair, replied courteously that he did not consider himself bound to turn his face in that direction, together with other remarks....<sup>14</sup>

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Amendment moved.

Mr. *Johnston* moved in amendment, seconded by Mr. *Turcotte*, that Messieurs *Aylwin*, and *Armstrong* be added to the said Committee.

Amendment lost.

The question having been put upon the motion of amendment, a division ensued, and it passed in the negative.

Original motion lost.

The question being then put upon the main motion, a division ensued, and it also passed in the Negative.

On motion of Mr. *Parke*, seconded by the Honourable Mr. *Harrison*.

Report of Commissioners on late Bank at Kingston referred to select Committee.

*Resolved* — That the report of the Commissioners appointed by the Provincial statute of the 10th. GEO. the Fourth, intituled "*An Act for setting the affairs of the late Bank at Kingston*," be referred to a

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select Committee, composed of Mr. *Baldwin*, Mr. *Hopkins*, Mr. *Price*, and Mr. *Small*, to report thereon with all convenient speed, by Bill or otherwise ; with power to send for persons, papers, and records.

Leave of absence to Mr. Delisle.

*Ordered* — That Mr. *Delisle* have leave to absent himself from this House, until the 15th of *September* next, on urgent business.

Dundas St. and  
Humber Road Bill  
read 2nd time.

A Bill to incorporate certain persons, therein mentioned, for the purpose of making a Macadamized Road from *Dundas Street* to the *River Humber*, in the Township of *Etobicoke*, was, according to order read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Friday* next, and that it be then the first order of the day.

Bill to relieve pur-  
chasers at Sheriff's  
sales read 2nd time.

A Bill for the relief of Purchasers at certain Sheriff's (sic) sales, made after such Sheriffs' had been out of office, was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Friday* next.

Bill for publication  
of Law Reports in  
Canada East read  
2nd time.

A Bill to provide for the publication of Law Reports in that part of the Province called *Lower Canada*, was, according to order, read a second time.

On motion of Mr. *Aylwin*, seconded by Mr. *Prince*.

Bill referred to select  
Committee.

*Resolved* — That the said Bill be referred to a Select Committee, composed of the Honourable Mr. *Viger*, Mr. *Quesnel*, Mr. Solicitor General *Day*, Mr. *Black*, Mr. *Morin*, and Mr. *Parent*, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Bill to exempt Fire-  
men from certain  
duties read 2nd time.

A Bill to repeal a certain Act, therein mentioned, and to exempt the Members of Companies of Firemen, lawfully established from serving as jurors, and in the Militia, except in certain cases, was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Monday* next.

Bill to abolish Im-  
prisonment for Debt  
in Canada West  
read 2nd time.

A Bill to abolish imprisonment for debt in *Canada West*, except in certain cases, was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Wednesday* next.

Leave to Committee  
on Election for 2nd  
Riding York to  
adjourn to 26th  
instant.

On motion of Mr. *Baldwin*, seconded by the Honourable Mr. *Viger*,

*Ordered* — That the Committee appointed to try the merits of the Petition of divers electors of the 2nd riding of the County of *York*, and of *Connell James Baldwin*, Esquire, complaining of the undue election and Return of *Georges Duggan*, Esquire, the sitting Member for the said second Riding of the County of *York*, have leave to adjourn until *Thursday*, the 26th instant.

Beef and Pork  
Inspection Bill read  
2nd time.

A Bill to regulate the inspection of Beef and Pork, was according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Friday* next.

House in Committee  
on Election Bill, and  
on Registration Bill.

The Order of the day for the House in Committee on the Bill, the better to provide for the freedom of Elections throughout this Province, and for other purposes therein mentioned; and the Bill to provide for the enregistration of persons, entitled to vote at elections of Members of the Legislative Assembly of this Province, and to make better provision for the holding of such Elections, being read.

The House accordingly resolved itself into the said Committee.

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Mr. *Gilchrist* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. *Gilchrist* reported that the Committee had made some progress, and had directed him to move for leave to sit again.

*Ordered* — That the said Committee have leave to sit again on *Monday* next, and that it be then the first order of the day.

Progress reported, to  
sit again on Monday.



On motion of Mr. *Cameron*, seconded by Mr. Solicitor General *Day*,

*Ordered* — That the Order of the day, for the House in Committee on the Bill to regulate the inspection and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, in the Ports of *Quebec* and *Montreal*, and for other purposes relative to the same, be postponed until *Tuesday* next.

The names of the Members present were taken down as followeth :

Mr. Speaker,  
Mr. *Armstrong*, Mr. *Baldwin*, Mr. *Boswell*, Mr. *Boutillier*, Mr. *Cameron*, Mr. Solicitor General *Day*, Mr. *Dunlop*, Mr. *Gilchrist*, Mr. *Holmes*, Mr. *Morris*, Mr. *Powell*, Mr. *Raymond*, Mr. *Simpson*, Mr. *Turcotte*, and the Honourable Mr. *Viger*.

And at 12th. o'clock at night, Mr. Speaker adjourned the House, for want of a Quorum, until *Monday* next.

Footnotes — 20 August 1841.

1. BRITISH COLONIST, 25 August 1841.
2. IBID.
3. IBID.
4. IBID.
5. IBID.
6. This was moved by Mr. Durand, according to BRITISH COLONIST, 25 August 1841.
7. Mr. Small made this motion, according to BRITISH COLONIST, 25 August 1841, because "the petition of the Mayor and Corporation of Toronto ((had)) been referred to the same ((committee))."
8. BRITISH COLONIST, 25 August 1841. As was often true of the COLONIST's reporting of MacNab's speeches, there is a great deal of sarcastic commentary mixed into the factual narrative.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID. See footnote 8 above.

Order for House in Committee on Timber Inspection Bill postponed till Tuesday.

No quorum.

**Monday, 23 August 1841.**

Speaker reports delivery of joint Address on Timber Duties.

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Mr. Speaker reported to the House, that the Honourable the Speaker of the Legislative Council, and himself had waited upon His Excellency the Governor General, with the joint Address of both Houses to His Excellency, humbly requesting he will be pleased to transmit the joint Petitions on the subject of the Timber duties, to Her Majesty's Secretary of State for the Colonial Department, praying that the Petition to Her Majesty may be laid at the foot of the Throne, and that the several Petitions to the Right Honourable the House of Lords, and the Honourable the House of Commons, may be submitted to them respectively; and that His Excellency had been pleased to give the following answer:

Honourable Gentlemen  
and Gentlemen.

His Excellency's answer.

I will take the earliest opportunity of transmitting to the principal Secretary of state, the joint Petition to the Queen, agreed to by both Houses, on the subject of the Timber duties, in order that it may be laid before Her Majesty; and also the Petitions to the two Houses of the Imperial Parliament, with a view to their being presented to each respectively.

*Petitions brought up.*

The following Petitions were severally brought up, and laid on the Table.

M. McGillivray and others.

By Mr. *J. S. Macdonald* — The Petition of *Malcolm McGillivray*, and others, Trustees of the *Presbyterian* Congregation of *Lochiel*, in the *Eastern* District.

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J. Macdonald and others.

By Mr. *Dunscorn* — The Petition of *John MacDonald*, and others, Censitaires of the Seignory of *Beauharnois*: — and the Petition of *Lewis Lyman*, Commissioner of the *North American* Colonial Association of *Ireland*, and others, Inhabitants of the County of *Beauharnois*.

L. Lyman and others.

Rev. J. Maning and others.

By Mr. *Burnet* — The Petition of the Rev. *John Maning*, and others, Members of the Church of *England*, in the Seignory of *St. Giles*; the Petition of the Reverend *Richard Anderson*, and others, Members of the Church of *England*, of *New Ireland* and other places, County of *Megantic*; and the Petition of *William Walker*, and others, Merchants of the City of *Quebec*.

Rev. R. Anderson and others.

W. Walker and others.

R. C. Bishop of Quebec and another.

By Mr. *Neilson* — The Petition of the Right Reverend the *Roman Catholic* Bishop of *Quebec*, and of the Right Reverend the Bishop of *Sidyne*, his Coadjutor.

J. Arnold and others.

By Mr. *Hincks* — The Petition of *John Arnold*, and others, inhabitants of the County of *Oxford*.

J. S. Baldwin and others.

By the Honourable Mr. *Dunn* — The Petition of *J. S. Baldwin*, and others, Citizens of *Toronto*.

*Petitions read.*

Of Jacob Snider and others.

Pursuant to the Order of the day, the following Petitions were read:

Of *Jacob Snider*, and others, praying compensation for the loss sustained by the survey, made under authority of a certain Act of the Parliament of the late Province of *Upper Canada*.

Of R. E. Vidal and others.

Of Rev. P. M. Mignault and others.

Of J. May, and others.

Of R. Defries and others.

Of A. Ritchie and others.

Petition of R. F. Gourlay referred to Select Committee.

Select Committee on Gaspé Judicature Bill report Bill as amended.

Bill referred to Com. of whole to-morrow.

Leave of absence to Mr. Boutillier.

Committee appointed to search Journals of Legislative Council on bill to prevent failure of Justice at the late Elections.

Bill to grant certain privileges to Haldimand and Simcoe brought in.

Order of day for House in Committee on addressing His Excellency for a revision of the Statutes, revived, and ordered for to-morrow.

Of *Richard E. Vidal*, and others, inhabitants of the Township of *Sarnia*, praying that one *George Durand*, have leave to cut a Canal, from the River *Aux Perches* to the River *St. Clair*.

Of the Reverend *P. M. Mignault*, *Augustus Hatt*, and others, inhabitants of *Chambly*, praying that improvements may be made in the navigation of the River *Richelieu*.

Of *James May*, and others, inhabitants of the *Talbot* District, praying for a grant of £100, for a certain road in said District.

Of *Robert Defries*, and others, Messengers and Servants of the late House of Assembly of *Upper Canada*, praying to be paid the sum of £20 each, as their last year's salary.

Of *Andrew Ritchie*, and others, of the District of *Wellington*, praying that no further increase of assessment may be levied on said District, than what is now allowed by law.

On motion of Mr. *Dunlop*, seconded by Mr. *Powell*.

*Resolved* — That the Petition of *Robert F. Gourlay*, of *Kingston*, presented to the House on the 28th of *July* last, be referred to a Select Committee composed of the Honourable Mr. *Viger*, Mr. *Neilson*, Mr. *Price*, and Captain *Steele*, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Mr. *Christie*, from the Select Committee to which was referred the Bill, to make more ample provision than heretofore for the due administration of Justice in the Territorial Division of *Gaspé*, reported that the Committee had gone through the Bill, and made several amendments thereto, which amendments were again read at the Clerk's Table.

*Ordered* — That the said Bill and report be referred to a Committee of the whole House, to-morrow.

*Ordered* — That Mr. *Boutillier*, have leave to absent himself from this House, from the 25th instant until the 1st. of *October* next.

On motion of Sir *Allan MacNab*, seconded by Mr. *Merritt*.

*Resolved* — That a Select Committee of three members composed of Mr. *Cartwright*, Mr. *Thorburn*, and Mr. *Neilson*, be appointed to

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search the Journals of the Honourable the Legislative Council, as to what proceedings are therein, with relation to the Bill sent up from this House to that Honourable body, entitled "*An Act for preventing any failure of Justice, in respect of complaints of undue elections or returns of members of the Legislative Assembly of this Province*," and to make report thereof to this House.

*Ordered* — That Mr. *Thompson* have leave to bring in a Bill to extend to the Counties of *Haldimand* and *Simcoe*, respectively, certain privileges which they could not otherwise enjoy until they should be finally constituted Districts.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time on *Friday* next.

On motion of Mr. Solicitor General *Day*, seconded by Mr. *Black*.

*Ordered* — That the Order of the day for the House in Committee, to take into consideration the expediency of presenting an humble address to His Excellency the Governor General, praying His Excellency to appoint a Commission for the purpose of revising the statutes and ordinances of that part of this Province formerly called *Lower Canada*, lost by the adjournment of *Tuesday*, the 30th of *July* last, be revived; and that this House will, on to-morrow, resolve itself into the said Committee.



Order for 2nd reading  
Bill to amend Act  
respecting Election of  
Grand River Naviga-  
tion Directors post-  
poned till to-morrow.

On motion of Mr. Attorney General *Draper*, seconded by Mr. Soli-  
citor General *Day*,

*Ordered* — That the Order of the day, for the second reading of the  
Bill to amend the Laws Regulating the Election of Directors of the  
*Grand River Navigation Company*, be postponed until to-morrow.

Motion to refer Tim-  
ber Inspection Bill to  
Select Committee.

Mr. *Black* moved, seconded by Mr. *Dunscumb*,

That the Order of the day, for the House in Committee on the  
Bill to regulate the inspection and measurement of timber, masts, spars,  
deals, staves, and other articles of a like nature, in the Ports of *Quebec*  
and *Montreal* and for other purposes relative to the same, be dis-  
charged; and that the said Bill be again referred to a Committee of  
five members, to report thereon with all convenient speed, with power  
to send for persons, papers and records; and that it be an instruction  
to the said Committee to render the said Bill conformable to the  
Resolution relative to the Inspection Laws, adopted by this House on  
the 5th instant.

Mr. *Parke* opposed the motion upon the grounds of any measurement to be established  
by law, with respect to Canadian timber, being an impediment to the trade.<sup>1</sup>

Mr. *Neilson* was desirous that a trade so important to the colony should be as unincum-  
bered (sic) as possible, to enable it to stand a better competition in the Home market.<sup>2</sup>

Mr. *Black* said that the member for Ottawa had contended that it was the wish of  
those connected with this branch of commerce, to have the timber measured at Quebec,  
which he (Mr. B.) considered would be an impediment instead of facilitating the trade. With  
respect to the bill that had been introduced into the house on this subject, the Board of  
Trade had complained of its provisions, he hoped therefore that a feeling of justice would  
so far prevail as to allow his motion to pass.<sup>3</sup>

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The question having been put upon the said motion, a division  
ensued, and the names being called for, they were taken down as  
followeth :

#### YEAS.

<i>Baldwin,</i>	<i>Dunn, Hon. J. H.</i>	<i>Merritt,</i>	<i>Taché,</i>
<i>Black,</i>	<i>Dunscumb,</i>	<i>Moffatt, Hon. G.</i>	<i>Thompson,</i>
<i>Borne,</i>	<i>Hale,</i>	<i>Neilson,</i>	<i>Watts,</i>
<i>Boutillier,</i>	<i>Hincks,</i>	<i>Parke,</i>	<i>Woods,</i>
<i>Burnet,</i>	<i>McNab, Sir A.N.</i>	<i>Robertson,</i>	<i>Yule. — 22.</i>
<i>Cartwright,</i>	<i>McCulloch,</i>		

#### NOES.

<i>Armstrong,</i>	<i>Day, Hon. C. R.</i>	<i>Johnston,</i>	<i>Raymond,</i>
<i>Boswell,</i>	<i>Dunlop,</i>	<i>McDonald, (Pres.)</i>	<i>Smith, (Fron.)</i>
<i>Cameron,</i>	<i>Foster,</i>	<i>McLean,</i>	<i>Steele,</i>
<i>Chesley,</i>	<i>Gilchrist,</i>	<i>Moore,</i>	<i>Thorburn,</i>
<i>Child,</i>	<i>Holmes,</i>	<i>Powell,</i>	<i>Viger, Hon. D.B.</i>
<i>Christie,</i>	<i>Hopkins,</i>	<i>Prince,</i>	<i>Williams. — 24.</i>

Motion lost.

So it passed in the Negative.

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Order for House in  
Committee on taxing  
imported products,  
postponed till Friday.

On motion of Mr. *Prince*, seconded by Mr. *Merritt*,

*Ordered* — That the Order of the day, for the House in Committee  
to consider the expediency of imposing a duty on agricultural and other  
products, and also on live stock, imported into this Province from the  
*United States of America*, be postponed until *Friday* next.

Committee of whole on address to His Excellency for free pardon 'till Friday next.

Order of day for 2nd reading Niagara Bank Bill postponed 'till Monday next.

House to go into Com. of whole on Tuesday next, on claims of Lower Canada.

Order of day for 2nd reading Haldimand district Bill, postponed 'till Monday next.

Lawyers relief Bill read 2nd time.

To be committed on Wednesday next.

Instructions to amend the Bill.

Usury exemption bill read 2nd time, and to be committed on Friday next.

Claims against Government, bill read 2nd time and to be referred to Com. of whole on Friday next.

Flour inspection bill read 2nd time and to be committed on Friday next.

Order of day for 2nd reading Montreal R. C. Orphan Asylum bill, postponed till Wednesday next.

Do. for aged and infirm women, do.

On motion of Mr. Neilson, seconded by Mr. Thorburn,  
*Ordered* — That the Order of the day, for the House in Committee to consider the expediency of addressing His Excellency the Governor General, to grant a free pardon for all offences committed during the late political disturbances in *Upper* and *Lower Canada*, be postponed until *Friday* next.

On motion of Mr. Merritt, seconded by Mr. Henry Smith,  
*Ordered* — That the Order of the day, for the second reading of the Bill to Incorporate sundry persons under the style and title of "The President, Directors and Company of the Bank of *Niagara* District," lost by the adjournment of the House of *Wednesday*, the 7th *July* last, be revived, and that the said Bill be read a second time on *Monday* next.

On motion of the Honourable Mr. Day, seconded by Mr. Dunscomb,  
*Resolved* — That this House will, on *Tuesday* next, resolve itself into a Committee of the whole House, to take into consideration the expediency of making provision for the payment of all just claims, arising in that part of the Province formerly called *Lower Canada*, out of the late Rebellion and Invasion in that part of this Province.

The Order of the day, for the second reading of the Bill to erect the County of *Haldimand* into a separate District, by the name of "The District of *Manchester*," being read,

*Ordered* — That the said Order of the day be postponed until *Monday* next.

A Bill to enable persons authorized to practise the Law, or to act as Surveyors, in *Upper Canada* or *Lower Canada*, to practise or act in the Province of *Canada*, was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Wednesday* next.

*Ordered* — That it be an instruction to the said Committee to amend the Bill, by striking out so much thereof as refers to the practice of the Law.

A Bill to exempt certain mercantile transactions from the operation of the Laws, for the prevention of usury, was, according to Order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Friday* next.

A Bill to facilitate a legal remedy to persons having claims against Her Majesty's Provincial Government, was, according to Order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Friday* next.

A Bill to regulate the Inspection of Flour and Meal, was, according to Order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Friday* next.

The Order of the day for the second reading of the Bill, to incorporate the Ladies of the Roman Catholic Orphan Asylum of *Montreal*, being read,

*Ordered* — That the said Order of the day be postponed until *Wednesday* next.

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The Order of the day for the second reading of the Bill to incorporate the *Montreal* Asylum for Aged and Infirm Women, being read,

*Ordered* — That the said Order of the day be postponed until *Wednesday* next.

Candidates qualifying bill read 2nd time, and to be committed on Friday next.

A Bill to compel all candidates at any future Elections, for Members of the Legislative Assembly, to make and subscribe detailed declarations of the property by them possessed, and under which they qualify, was, according to Order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Friday* next.

A Message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery.

MR. SPEAKER,

Bills from Legislative Council amended.

The Legislative Council have passed the following Bills, with several amendments, to which they desire the concurrence of the Assembly : —

Canada Fire Assurance bill.  
Naturalization bill.

*"An Act for Incorporating 'The Canada Fire Assurance Company'."*

*"An Act to secure to and confer upon certain Inhabitants of this Province, the Civil and Political Rights of Natural Born British Subjects."*

And then he withdrew.

Order of day for Com. of whole on Election bills postponed till to-morrow.

The Order of the day for the House in Committee on the Bill, the better to provide for the freedom of Elections throughout this Province, and for other purposes therein mentioned — and the Bill to provide for the enregistration of persons entitled to vote at elections, of (sic) members of the Legislative Assembly of this Province, and to make better provision for the holding of such elections, being read,

*Ordered* — That the said Order of the day be postponed until to-morrow.

**Dr. Dunlop** said that nearly all the troubles of the late elections, his own among the number, arose out of not having a proper registry office. Some qualified by descent, some by marriage, others by a grant from the Crown, and a great many voted upon no qualification at all. — To remedy this the hon. member was of opinion, the only mode was by a secure method of registration.<sup>1</sup>

(406)

Registration bill to be printed.

*Ordered* — That the Bill, to provide for the enregistration of persons entitled to vote at elections of members of the Legislative Assembly of this Province, and to make better provision for the holding of such elections, be printed for the use of the members of this House.

House goes into Com. of whole on 2nd resolution on Speaker's salary.

The Order of the day, for taking into consideration the second Resolution, reported from the Committee of the whole House, on the propriety of providing for the payment of an annual salary to the Honourable the Speaker of this House, being read,

The House proceeded accordingly to take the said Resolution into consideration.

And the said Resolution was again read as followeth : —

2nd Resolution.

*"2. Resolved* — That it is the opinion of this Committee, that the sum of *one thousand pounds* be granted annually to Her Majesty to pay the like sum to the Honourable the Speaker of this House."

Motion for concurrence.

*Mr. Small* moved, seconded by *Mr. Prince*,

That the House doth concur with the Committee in the said Resolution.

Motion In amendment.

*Mr. Thorburn*, moved in amendment, seconded by *Mr. Aylwin*,

That the words "one thousand" be struck out of the said Resolution, and the words "five hundred" substituted in lieu thereof.

The House divided on the motion of amendment, and the names being called for they were taken down as followeth : —



## YEAS.

<i>Aylwin,</i>	<i>Hopkins,</i>	<i>Roblin,</i>	<i>Thompson,</i>
<i>Boswell,</i>	<i>Merritt,</i>	<i>Smith, (Went.)</i>	<i>Thorburn,</i>
<i>Duggan,</i>	<i>Moffatt, Hon. G.</i>	<i>Sherwood,</i>	<i>Watts,</i>
<i>Durand,</i>	<i>Morris,</i>	<i>Steele,</i>	<i>Williams. — 18.</i>
<i>Hincks,</i>	<i>Powell,</i>		

(407)

## NOES.

<i>Armstrong,</i>	<i>Daly, Hon. D.</i>	<i>Killaly, Hon. H.H.</i>	<i>Quesnel,</i>
<i>Baldwin,</i>	<i>Dunn, Hon. J.H.</i>	<i>McNab, Sir A.N.</i>	<i>Raymond,</i>
<i>Barthe,</i>	<i>Dunscornb,</i>	<i>McCulloch,</i>	<i>Robertson,</i>
<i>Berthelot,</i>	<i>Dunlop,</i>	<i>McDonald, (Pres.)</i>	<i>Ruel,</i>
<i>Black,</i>	<i>Foster,</i>	<i>McLean,</i>	<i>Small,</i>
<i>Borne,</i>	<i>Gilchrist,</i>	<i>Morin,</i>	<i>Taché,</i>
<i>Boutillier,</i>	<i>Hale,</i>	<i>Ogden, Hon. C.R.</i>	<i>Turcotte,</i>
<i>Burnet,</i>	<i>Harrison, Hon. S.B.</i>	<i>Parent,</i>	<i>Viger, Hon. D.B.</i>
<i>Cartwright,</i>	<i>Holmes,</i>	<i>Parke,</i>	<i>Woods,</i>
<i>Child,</i>	<i>Johnston,</i>	<i>Prince,</i>	<i>Yule. — 41.</i>
<i>Christie,</i>			

Amendment lost.

Second amendment proposed.

So it passed in the Negative.

Mr. *Thorburn*, then moved in amendment seconded by Mr. *Aylwin*, That the words "one thousand" be struck out of the said Resolution and the words "seven hundred and fifty" substituted in lieu thereof.

The House divided on the motion of amendment, and the names being called for they were taken down as followeth : —

## YEAS.

<i>Aylwin,</i>	<i>Harrison, Hon. S.B.</i>	<i>Parke,</i>	<i>Steele,</i>
<i>Boswell,</i>	<i>Hincks,</i>	<i>Powell,</i>	<i>Thompson,</i>
<i>Cameron,</i>	<i>Hopkins,</i>	<i>Roblin,</i>	<i>Thorburn,</i>
<i>Duggan,</i>	<i>McLean,</i>	<i>Smith, (Went.)</i>	<i>Watts. — 19.</i>
<i>Durand,</i>	<i>Morris,</i>	<i>Sherwood,</i>	

## NOES.

<i>Armstrong,</i>	<i>Daly, Hon. D.</i>	<i>McNab, Sir A.N.</i>	<i>Raymond,</i>
<i>Baldwin,</i>	<i>Draper, Hon. W.H.</i>	<i>McCulloch,</i>	<i>Robertson,</i>
<i>Barthe,</i>	<i>Dunn, Hon. J. H.</i>	<i>McDonald, (Pres.)</i>	<i>Ruel,</i>
<i>Berthelot,</i>	<i>Dunscornb,</i>	<i>Merritt,</i>	<i>Small,</i>
<i>Black,</i>	<i>Dunlop,</i>	<i>Moffatt, Hon. G.</i>	<i>Taché,</i>
<i>Borne,</i>	<i>Foster,</i>	<i>Morin,</i>	<i>Turcotte,</i>
<i>Boutillier,</i>	<i>Gilchrist,</i>	<i>Ogden, Hon. C.R.</i>	<i>Viger, Hon. D.B.</i>
<i>Burnet,</i>	<i>Hale,</i>	<i>Parent,</i>	<i>Williams,</i>
<i>Cartwright,</i>	<i>Holmes,</i>	<i>Prince,</i>	<i>Woods,</i>
<i>Child,</i>	<i>Johnston,</i>	<i>Quesnel,</i>	<i>Yule. — 42.</i>
<i>Christie,</i>	<i>Killaly, Hon. H.H.</i>		

2nd amendment lost.

Speaker to receive no other emolument from the Crown.

So it passed in the Negative.

Mr. *Christie*, then moved, in amendment, seconded by Mr. *Parent*, That the following words be added to the said Resolution "provided the said Speaker hold no Office of profit or emolument under the Crown."

The question having been put upon the said motion of amendment, it was agreed to unanimously.<sup>5</sup>

After some discussion ... **Col. Prince, Sir A. MacNab, Messrs. Small, Neilson, and Morin,** were conspicuous in support of the resolution.<sup>6</sup>

**Messrs. Thorburn, Merritt, Aylwin, and Hincks** ((were)) in opposition to it.<sup>7</sup>

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Original resolutions as concurred in.

The question being then put on the main motion viz : — "that the House do concur with the Committee in the said Resolution."

The House divided thereon, and the names being called for, they were taken down as followeth : —

## YEAS.

<i>Armstrong,</i>	<i>Berthelot,</i>	<i>Burnet,</i>	<i>Christie,</i>
<i>Aylwin,</i>	<i>Black,</i>	<i>Cameron,</i>	<i>Daly, Hon. D.</i>
<i>Baldwin,</i>	<i>Borne,</i>	<i>Cartwright,</i>	<i>Draper, Hon. W.H.</i>
<i>Barthe,</i>	<i>Boutillier,</i>	<i>Child,</i>	<i>Dunn, Hon. J. H.</i>

(408)

<i>Dunscomb,</i>	<i>Johnston,</i>	<i>Morin,</i>	<i>Smith, (Went.)</i>
<i>Dunlop,</i>	<i>Killaly, Hon. H.H.</i>	<i>Parent,</i>	<i>Sherwood,</i>
<i>Foster,</i>	<i>McNab, Sir A.N.</i>	<i>Prince,</i>	<i>Taché,</i>
<i>Gilchrist,</i>	<i>McDonald, (Pres.)</i>	<i>Quesnel,</i>	<i>Turcotte,</i>
<i>Hale,</i>	<i>McDonald, (Glen.)</i>	<i>Raymond,</i>	<i>Viger, Hon. D.B.</i>
<i>Harrison, Hon. S.B.</i>	<i>McLean,</i>	<i>Robertson,</i>	<i>Watts,</i>
<i>Holmes,</i>	<i>Moffatt, Hon. G.</i>	<i>Small,</i>	<i>Yule. — 44.</i>

## NOES.

<i>Boswell,</i>	<i>Hopkins,</i>	<i>Powell,</i>	<i>Thompson,</i>
<i>Duggan,</i>	<i>Merritt,</i>	<i>Roblin,</i>	<i>Thorburn,</i>
<i>Durand,</i>	<i>Morris,</i>	<i>Steele,</i>	<i>Williams. — 14.</i>
<i>Hincks,</i>	<i>Parke,</i>		

So it was carried in the affirmative.

The question being then put on the said Resolution as amended it was agreed to, and —

*Resolved* — Accordingly.

Select Com. to draft bill.

On motion of Mr. *Small*, seconded by Mr. *Prince*,  
*Resolved* — That the Resolution of this House, on the subject of the Speaker's Salary be referred to a select Committee, with instructions to draft and report a Bill pursuant thereto, and that Mr. *Dunscomb*, and Mr. *Cartwright*, do compose the said Committee.

House goes into Com. of whole on Montreal roads bill.

The Order of the day, for the House in Committee on the Bill to amend the Ordinance of the Third VICTORIA, chapter thirty-one, for the improvement of the roads in the neighbourhood of, and leading to, the City of *Montreal*, being read.

The House accordingly resolved itself into the said Committee,

Mr. *Durand*, took the chair of the Committee, and after some time spent therein,

Bill reported amended.

Mr. Speaker resumed the chair,

And Mr. *Durand* reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

*Ordered* — That the report be received to-morrow,

House goes into Committee on Magdalen Islands Justice Bill.

The Order of the day, for the House in Committee on the Bill to provide temporarily for the Administration of Justice in the Magdalen Islands, in the Gulph of *St. Lawrence*, being read.

The House accordingly resolved itself into the said Committee.

Mr. *Roblin*, took the chair of the Committee,

Mr. *Black* in his comments upon the measure, said, that before legislating on affairs so momentous, the house ought at least to be acquainted with the subject. But few he remarked, knew anything at all of these Islands, which were subject to the district of Quebec, in what position therefore was the house to come to a decision upon so injudicious an attempt to bolster up the administration of justice there. These petty judicial tribunals were denounced by him as pregnant with corruption, the remuneration being inadequate together with other reasons; and with respect to the particular locality under discussion he maintained, that the District of Gaspé, could embrace the administration of justice in the Magdalen Islands, both with economy and efficiency.<sup>8</sup>

(408)

and after some time spent therein,

Several amendments.

Mr. Speaker resumed the chair,

And Mr. *Roblin*, reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same,

*Ordered* — That the report be received to-morrow.

Time and place for taking evidence in York contested election altered.

Mr. *Hincks* moved, seconded by Mr. *Baldwin*,

That the time and place for the sitting of the Commissioners for taking evidence in the case of the controverted Election, for the second riding of the County of York, be altered, and that *Monday* next, be appointed for the sitting of the said Commissioners at the City of *Toronto*.

The reasons alleged in support of this motion by **Messrs. Hincks, Baldwin, Small** and others, was that Streetsville was the very spot where the riots had taken place, and that such was the lawless character of the people in that neighbourhood, that a letter had been received from the chairman of the commission, stating that he had received so many representations apprehending danger on the part of witnesses attending at Streetsville, that he considered it as pregnant with serious consequences, and a nullification of the commission, unless some other place should be substituted where the course of justice might be unobstructed.<sup>9</sup>

**Sir Allan MacNab** was loud in opposition to this, Mr. Duggan belonging to the firm. The inhabitants of Streetsville, it would appear on the present occasion ... were the most peaceful creatures on earth....<sup>10</sup>

A long debate ensued on this motion which was resisted by **Sir Allan MacNab, Mr. Duggan, Mr. Aylwin** and **Mr. Thorburn**....<sup>11</sup>

((This motion)) was supported by **Messrs. Baldwin, Small, Steele, Williams** and **Hincks**.<sup>12</sup>

(408)

The question having been put upon the said motion, a division ensued and the names being called for, they were taken down as followeth : —

## YEAS.

<i>Armstrong,</i>	<i>Berthelot,</i>	<i>Boswell,</i>	<i>Cameron,</i>
<i>Baldwin,</i>	<i>Borne,</i>	<i>Boutillier,</i>	<i>Christie,</i>
(409)			
<i>Daly, Hon. D.</i>	<i>Foster,</i>	<i>Morin,</i>	<i>Small,</i>
<i>Day, Hon. C. D.</i>	<i>Gilchrist,</i>	<i>Morris,</i>	<i>Steele,</i>
<i>Derbshire,</i>	<i>Harrison, Hon. S.B.</i>	<i>Parent,</i>	<i>Taché,</i>
<i>Draper, Hon. W.H.</i>	<i>Hincks,</i>	<i>Parke,</i>	<i>Thompson,</i>
<i>Dunn, Hon. J.H.</i>	<i>Killaly, Hon. H.H.</i>	<i>Powel,</i>	<i>Turcotte,</i>
<i>Dunscornb,</i>	<i>McDonald, (Prest.)</i>	<i>Prince,</i>	<i>Viger, Hon. D.B.</i>
<i>Durand,</i>	<i>McDonald, (Glen.)</i>	<i>Quesnel,</i>	<i>Williams. — 36</i>

## NOES.

<i>Aylwin,</i>	<i>Hale,</i>	<i>McLean,</i>	<i>Sherwood,</i>
<i>Black,</i>	<i>Johnston,</i>	<i>Merritt,</i>	<i>Thorburn,</i>
<i>Burnet,</i>	<i>McNab, Sir A.N.</i>	<i>Moffatt, Hon. G.</i>	<i>Watts,</i>
<i>Cartwright,</i>	<i>McCulloch,</i>	<i>Moore,</i>	<i>Yule. — 17.</i>
<i>Dunlop,</i>			

So it was carried in the affirmative, and —

*Ordered* — Accordingly.

House goes into Committee on Public Lands sale Bill.

The Order of the day, for the House in Committee on the Bill for the disposal of public lands, being read.



The House accordingly resolved itself into the said Committee.  
And the House having continued to sit till after twelve of the clock,  
on *Tuesday* morning.

((*Tuesday*, 24 August, 1841.))

Mr. Speaker resumed the chair,

Bill reported  
amended.

And Mr. *J. S. McDonald*, reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's Table, and agreed to by the House.

The Honourable Mr. *Harrison* moved, seconded by the Honourable Mr. *Day*,

Bill to be engrossed.

That the said Bill as amended, be engrossed.

About one ((o'clock)), a scene took place.... The clerk ((Mr. William Burns Lindsay)) was reading a paper in Mr. Harrison's hand writing which was not very legible, Mr. H. ((*Harrison*)) offered to read it which was readily acceded to by the Clerk, he was proceeding when Mr. *Aylwin* called Mr. H. to order, he sat down, but referred to the Speaker as to whether he was doing any thing disorderly, the Speaker ((Mr. *Cuvillier*)) said no and ordered him to proceed — which he did ; Mr. *Aylwin* again called him to order, the Speaker ((Mr. *Cuvillier*)) said he had decided that Mr. H. was in order and required Mr. A. to sit down. Mr. A. ((*Aylwin*)) refused so pertinaciously (sic) that the Speaker ((Mr. *Cuvillier*)) was obliged to say if he could not keep order without doing so he would call in the aid of the Sergeant at Arms. Mr. A. ((*Aylwin*)) replied in a most offensive tone and gesture — he might if he pleased, he did not regard it — he longed to be a martyr — he could not be a martyr for religion, and he would be glad to be one for liberty, and he did not care if he was imprisoned in the Kingston Gaol till Parliament was adjourned. Mr. *Hincks* moved that the offensive words be taken down, seconded by Captain *Steele*. — Mr. ——— (sic) moved that the House adjourn, seconded by Mr. *Aylwin*, when great confusion arose and strangers were ordered to withdraw. We understand that Mr. *Viger* approved of Mr. *Aylwin*'s conduct and said the Speaker was to blame. Mr. *Durand* also supported Mr. *Aylwin* as indeed did several of that party.<sup>13</sup>

(409)

The question having been put upon the said motion a division ensued, and the names being called for, they were taken down as followeth : —

YEAS.

<i>Borne,</i>	<i>Dunlop,</i>	<i>Hincks,</i>	<i>Powell,</i>
<i>Cameron,</i>	<i>Foster,</i>	<i>Killaly, Hon. H.H.</i>	<i>Steele,</i>
<i>Day, Hon. C.D.</i>	<i>Gilchrist,</i>	<i>McCulloch,</i>	<i>Thompson,</i>
<i>Derbshire,</i>	<i>Hale,</i>	<i>McDonald, (Glen.)</i>	<i>Viger, Hon. D.B.</i>
<i>Draper, Hon. W.H.</i>	<i>Harrison, Hon. S.B.</i>	<i>Parke,</i>	<i>Watts. — 21.</i>
<i>Durand,</i>			

NOES.

*Aylwin,* *Johnston. — 2.*

So it was carried in the Affirmative, and

Ordered — Accordingly.

The names of the members present were taken down as followeth : —

Mr. Speaker,

Messieurs *Aylwin*, *Borne*, *Cameron*, Solicitor General *Day*, Attorney General *Draper*, *Dunlop*, *Gilchrist*, *Hale*, *Harrison*, *Killaly*, *J. S. MacDonald*, *Parke*, *Viger* and *Watts*.

House adjourns for  
want of Quorum.

And at two of the clock, on *Tuesday* morning, Mr. Speaker adjourned the House, for want of a Quorum, till this day.

Footnotes — 23 August 1841.

1. BRITISH COLONIST, 1 September 1841.
2. IBID.
3. IBID.
4. IBID.
5. The discussion on this question was noted by : BRITISH COLONIST, 1 September 1841 ; EXAMINER, 1 September 1841.
6. BRITISH COLONIST, 1 September 1841.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. EXAMINER, 1 September 1841.
12. IBID.
13. KINGSTON CHRONICLE, 25 August 1841, which also commented upon the motives of those involved in this affair. This selection has not been broken down into paragraphs representing the speeches of individual members because the resulting text would be very truncated and confusing. BRITISH COLONIST, 1 September 1841 : The House was cleared during part of the discussion about whether Aylwin "possessed sufficient discretion to take charge of himself, or whether the Sergeant-at-Arms was to be his guardian *pro tempore*".

**Tuesday, 24 August 1841.**

(410)

*Petitions brought up.*

The following Petitions were severally brought up and laid on the Table : —

John Miller and other.

By Mr. *Robertson* — The Petition of *John Miller*, and others, inhabitants of *St. Scholastique*, County of the *Lake of Two Mountains* — The Petition of *Andrew Timins*, and others, inhabitants of the Seignory of *Argenteuil* — The Petition of *Archibald Campbell*, Senior, and others, of the Townships of *Grenville* and *Harrington*, County of the *Lake of Two Mountains* — The Petition of *James Young*, and others, inhabitants of *Grenville*, County of the *Lake of Two Mountains* — and the Petition of *Archibald Campbell*, Junior, and others, inhabitants of the Township of *Grenville*, County of the *Lake of Two Mountains*.

Andrew Timins, and others.

Archibald Campbell, and others.

James Young, and others.

Archibald Campbell, Junr., and others.

Rev. Alex. Mann, and others.

Froome Talfourde and others.

John McNab, and Angus McNab.

William Coates.

By Mr. *Cameron* — The Petition of the Reverend *Alexander Mann*, and others, of the Townships of *Fitzroy* and *Torbolton* — The Petition of *Froome Talfourde*, and others, inhabitants of the Northern Division of the County of *Kent* — and the Petition of *John MacNab*, and *Angus McNab*, Executors of the Estate of the late *Duncan MacNab*.

By Sir *Allan MacNab* — The Petition of *William Coates*, Clerk in the House of Assembly of the late Province of *Upper Canada*.

Petition of Horace Keating and others referred.

On motion of Mr. *Cameron*, seconded by Mr. *Johnston*,

*Resolved* — That the Petition of *Horace Keating*, and others, presented to the House on the 14th of July last, be referred to a Select Committee, composed of Messieurs *Prince*, *Woods*, *Durand*, *Thompson*, *Parke* and *Steele*, to examine the contents thereof, and report thereon with all convenient speed, by Bill or otherwise, with power to send for persons, papers and records.

Petition of H. Glass and others referred.

On motion of Mr. *Cameron*, seconded by Mr. *Roblin*,

*Resolved* — That the Petition of *H. Glass*, and others, inhabitants of *Perth*, and its vicinity, presented to the House, on the 9th instant, be referred to a Select Committee, composed of Messieurs *Thorburn*, *Roblin*, *McCulloch* and *Gilchrist*, to examine the contents thereof, and report thereon, with all convenient speed, by Bill or otherwise, with power to send for persons, papers and records.

Petitions, of Reverend Wm. Muir, and others ; Jos. Huston and others ; W. Young and Donald W. Phail, Jas. McCrae and others ; Samuel Galloway and others : Chas. Currie and others ; referred to the select Committee on Common Schools Bill.

*Ordered* — That the Petition of the Reverend *William Muir*, and others, of the Townships of *Chatham* and *Grenville* ; of *Joseph Huston*, and others, of the Township of *Chatham*, in the County of the *Lake of Two Mountains* ; of *James Kennedy*, and others, of the Township of *Chatham*, County of the *Lake of Two Mountains* ; of *William Young* and *Donald W. Phail*, of the Township of *Chatham*, County of the *Lake of Two Mountains* ; of *James McCrae*, and others, inhabitants of the East Settlement in the Seignory of *Argenteuil*, County of the *Lake of Two Mountains* ; of *Samuel Galloway*, and others, inhabitants of *Wentworth*, County of the *Lake of Two Mountains* ; and of *Charles Currie*, and others, of the Gore of *Chatham*, County of the *Lake of Two Mountains*, be referred to the Select Committee to which was referred the Bill to repeal certain Acts therein mentioned, and to make provision for the establishment and maintenance of Common Schools throughout this Province, and other references.



Petition of Reverend J. Maning and others referred to same Committee.

(411)

*Ordered* — That the Petition of the Reverend J. Maning, and others, members of the Church of *England*, in the Seignory of *St. Giles*, praying that the Scriptures may be used as a Class Book in the Schools and Seminaries, and be placed in the hands of all the scholars, be referred to the said Committee.

Petition of the Reverend Richard Anderson and others, referred to same Committee.

*Ordered* — That the Petition of the Reverend Richard Anderson, and others, members of the Church of *England*, of *New Ireland*, and other places, County of *Megantic*, praying that the Scriptures may be used as a Class Book in the Schools and Seminaries, and be placed in the hands of all the scholars, be referred to the said Committee.

Ashes Inspection bill brought in and read 1st. time.

The Honourable Mr. *Moffatt*, from the Select Committee to which were referred the Resolutions of this House of the 4th instant, relative to the exportation from this Province of flour and meal, pot and pearl ashes, and beef and pork, without inspection, with power to report by Bill or otherwise, presented to the House a Bill to regulate the inspection of pot and pearl ashes, which was received and read for the first time.

2nd Reading Tuesday next.

*Ordered* — That the said Bill be read a second time on *Friday* next.

Report relating to Niagara contested election.

Mr. *Hale*, Chairman of the Committee to try the merits of the Petition of *Robert Melville*, and *John McBride*, electors of the Town of *Niagara*, complaining of the undue election and return of *Edward Clarke Campbell*, Esquire, sitting member for the said Town of *Niagara*, reported to the House, that in as much as the Commission named to take evidence on the controverted election for the Town of *Niagara*, have, under the Order of the House of the *seventeenth* instant, limiting their return to the *twenty-first* instant, made a return, by which it appears that they had not sufficient time to go through the evidence on the part of the sitting Member it is —

*Resolved* — That the chairman of the Committee do report the same to the House for their order thereon.

Motion for meeting of Houses at 10 o'clock A. M.

Mr. *Roblin* moved, seconded by Mr. *Black*, That the first standing rule of this House be suspended during the remainder of this Session, in so far as respects the meeting of the House, and that it do meet at ten o'clock in the forenoon, and, if at ten o'clock there be not a quorum the Speaker, may take the chair and adjourn.

Amendments proposed.

The Honourable Mr. *Moffatt* moved, in amendment seconded by Mr. *Robertson*,

That between the word “do” and the word “meet,” in the said motion, the words “on and after *Monday* next” be inserted.

The question having been put on the motion of amendment, a division ensued, and it passed in the negative.

Main Motion carried.

The question being then put on the main motion, a division also ensued, and it was carried in the affirmative.

*Ordered* — Accordingly.

Return of Police Force to be printed.

On motion of Mr. *Boutillier*, seconded by the Honourable Mr. *Viger*,

*Ordered* — That the return of His Excellency, the Governor General, to the address of this House, relative to the Police Force in that part of the Province, called *Lower Canada*, be printed in English and French, one hundred and twenty-five copies in each language, for the use of the Members of this House.

On motion of Mr. *Boutillier*, seconded by Mr. J. S. *MacDonald*,

Order of the day for second reading Magistrates appointment Bill revived for to-morrow.

*Ordered* — That the Order of the day, for the second reading of the Bill to regulate the appointment of Clerks of Magistrates, in Country Parishes, and Townships, in the late Province of *Lower Canada*, and to provide Rules for their conduct, and that of Bailiffs, in certain

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cases, lost by the adjournment of the House of the ninth instant, be revived, and that the said Bill be read a second time to-morrow.

Amendments to Fire Assurance Bill to be considered to-morrow.

On motion of Mr. Black, seconded by Mr. Burnet,  
*Ordered* — That the amendment made by the Legislative Council to the Bill intituled "*An Act for incorporating the Canada Fire Assurance Company*" be taken into consideration to-morrow.

Commissioners again appointed on Niagara contested election.

On motion of Mr. Boswell, seconded by Mr. Roblin,  
*Resolved* — That this House do now again nominate and appoint, under the hand and seal of the Speaker, three Commissioners for the purpose of examining the witnesses of the parties in the matter of the controverted election for the Town of *Niagara*, and that *Alexander Grant*, *Jacob Keefer*, and *Lorenzo D. Raymond*, Esquires, be such Commissioners, who shall be authorized and empowered to hold their sittings at the Town of *Niagara* on *Monday* next the *thirtieth* instant, with *Alexander Grant*, Esquire, as chairman of the said Commission, and that the said Commissioners do make their return to this House with all convenient speed.

Michel Borne excused from attending sittings of election Committee.

On motion of Mr. Roblin, seconded by Mr. Boswell,  
*Ordered* — That *Michel Borne*, Esquire, Member for *Rimouski*, be excused from serving on the Committee appointed to try the contested election for the Second Riding of the County of *York*, during the remainder of the sittings of the said Committee.

Leave of absence granted to Mr. Duggan 'till 1st Sept.

*Ordered* — That Mr. *Duggan*, have leave to absent himself from this House until the *first of September* next, for the purpose of attending the Commission of evidence on the contested election for the Second Riding of the County of *York*.

Message from Legislative Council.

A Message from the Legislative Council by *John Godfrey Spragge*, Esquire, Master in Chancery.

Woodstock Limits bill passed Leg. Council.

MR. SPEAKER,  
The Legislative Council have passed the Bill intituled "*An Act to extend and define the limits of the Town of Woodstock in the District of Brock*" without any amendment.

And also,

The Legislative Council have passed the following Bills, with several amendments, to which they desire the concurrence of the Assembly.

Montreal Board of Trade Bill, and winter roads Bill amended by Leg. Council.

"*An Act to incorporate the Montreal Board of Trade.*"  
"*An Act to amend two certain Ordinances therein mentioned, relative to the Winter Roads in that part of the Province formerly Lower Canada.*"

And then he withdrew.

Mr. *Aylwin*, from the Special Committee to which was referred the Bill, for better securing the independence and uprightness of the Judges, presented to the House the report of the said Committee, which was again read at the Clerk's table as followeth:—

Report of Committee on Judges independence Bill.

"The principle of the Bill, submitted to the consideration of your Committee, is one which is unquestionable, and which has long been satisfactorily carried out in practice in *England*, in *France*, and in the *United States of America*. In this Colony also, the Statute of *Upper Canada*, 4, WILLIAM 4, ch. 2, is identical with the present Bill, in principle, though it differ from it in its details.

The Committee deem it to be an object of the highest importance to secure uniformity in the Legislation of both parts of this Province,

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as far as practicable, and it has therefore adopted the last proviso, in the preamble of the statute of *Upper Canada*, as well as the second

section of that statute, and has incorporated them into the present Bill."

*Ordered* — That the said Bill and Report be referred to a Committee of the whole House, on *Monday* next.

*Ordered* — That Mr. *Borne* have leave to absent himself from this House, from the *twenty-fifth* instant, during the remainder of the session.

On motion of the Honourable Mr. *Harrison*, seconded by Mr. Attorney General *Draper*,

*Resolved* — That this House will, on *Tuesday* next, resolve itself into a Committee of the whole House, to take into consideration the subject of the Message of His Excellency, the Governor General, relative to the salaries of the Honourable the Speaker of the Legislative Council, and the Honourable the Speaker of this House, and the salaries of the officers of both Houses.

On motion of Mr. *Hale*, seconded by Mr. *Thorburn*,

*Ordered* — That the Committee appointed to try the merits of the Petition of *Robert Melville* and *John McBride*, Electors of the Town of *Niagara*, complaining of the undue election and Return of *Edward Clarke Campbell*, Esq., sitting member for the said Town of *Niagara*, have leave to adjourn until the *third* of *September* next, at ten o'clock A. M.

On motion of the Honourable Mr. *Moffatt*, seconded by Mr. *Holmes*,

*Ordered* — That the amendments made by the Legislative Council to the Bill intituled "*An Act to incorporate the Montreal Board of Trade*" be taken into consideration to-morrow.

On motion of Mr. *Duggan*, seconded by Mr. *Neilson*,

*Resolved* — That an humble address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House copies of all the instructions addressed to, and of all the Reports received from, the School Visitor appointed under the ordinance of the Special Council, 2nd VICTORIA, chapter *forty-three*, on the subject of the present condition of the School Houses, the state of education, and other matters connected with the state of education in *Lower Canada*, referred to in the said Ordinance.

*Ordered* — That the said Address be presented to His Excellency, the Governor General, by such members of this House as are of the Honourable the Executive Council of this Province.

On motion of Mr. *Armstrong*, seconded by the Honourable Mr. *Viger*,

*Ordered* — That the amendments made by the Legislative Council to the Bill, intituled "*An Act to amend two certain Ordinances therein mentioned, relative to Winter Roads in that part of the Province formerly Lower Canada*" be taken into consideration to-morrow.

*Ordered* — That Mr. *Burnet* have leave to bring in a Bill to incorporate the *Quebec* Board of Trade.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time on *Friday* next.

*Ordered* — That the Petition of the Right Reverend the Catholic Bishop of *Quebec*, and the Right Rev. the Bishop of *Sidymé*, his co-adjutor, stating that they entertain a hope, that when the House will adopt a Law for the encouragement of education in this Province, they will watch carefully that it shall contain no enactment which can prejudice the interests of Her Majesty's Catholic subjects, also that it will

Bill and Report referred.

Leave of absence to Mr. *Borne*.

House will go into Committee of whole on Officers salaries on *Tuesday* next.

Select Committee on *Niagara* Election have leave to adjourn to 3rd *September*.

Amendments to *Montreal Board of Trade Bill* to be considered to-morrow.

Address to His Excellency for School Visitor's Report.

Amendments to *Winter Roads bill* to be considered to-morrow.

*Quebec Board of Trade Bill* read first time and ordered for second reading on *Friday* next.

Petition of Catholic Bishop referred.



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be based on principles of Justice, be referred to the Select Committee to which was referred the Bill to repeal certain Acts therein mentioned, and to make provision for the establishment and maintenance of Common Schools throughout this Province, and other references.

Magdalen Islands Bill  
reported amended.

Mr. *Roblin*, from the Committee of the whole House, on the Bill to provide temporarily for the administration of Justice in the *Magdalen Islands*, in the Gulf of *St. Lawrence*, reported according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Mr. *Christie* moved, seconded by Mr. *Borne*,

That the said Bill as amended be engrossed.

Bill to be engrossed.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth :

## YEAS.

<i>Armstrong,</i>	<i>Dunlop,</i>	<i>Moore,</i>	<i>Smith, (Went.)</i>
<i>Baldwin,</i>	<i>Gilchrist,</i>	<i>Morin,</i>	<i>Steele,</i>
<i>Berthelot,</i>	<i>Hincks,</i>	<i>Morris,</i>	<i>Taché,</i>
<i>Boutillier,</i>	<i>Holmes,</i>	<i>Neilson,</i>	<i>Thompson,</i>
<i>Campbell,</i>	<i>Hopkins,</i>	<i>Parent,</i>	<i>Thorburn,</i>
<i>Chesley,</i>	<i>Johnston,</i>	<i>Parke,</i>	<i>Turcotte,</i>
<i>Christie,</i>	<i>Killaly, Hon. H.H.</i>	<i>Powell,</i>	<i>Viger, Hon. D.B.</i>
<i>Crane,</i>	<i>McNab, Sir A.N.</i>	<i>Prince,</i>	<i>Williams,</i>
<i>Dunn, Hon. J.H.</i>	<i>McDonald, (Pres.)</i>	<i>Raymond,</i>	<i>Woods,</i>
<i>Duggan,</i>	<i>McLean,</i>	<i>Roblin,</i>	<i>Yule. — 43.</i>
<i>Durand,</i>	<i>Moffatt, Hon. G.</i>	<i>Small,</i>	

## NOES.

*Black,* *Cameron,* *Foster,* *Hale. — 4.*

So it was carried in the affirmative, and —

*Ordered* — Accordingly.

Montreal Roads Bill  
reported amended.

Mr. *Durand*, from the Committee of the whole House, on the Bill to amend the Ordinance of the 3rd VICTORIA, Chapter 31, for the improvement of the roads in the neighbourhood of, and leading to the city of *Montreal*, reported according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Bill to be engrossed.

*Ordered* — That the said Bill, as amended, be engrossed.

Grand River Navigation Bill, read 2nd time and to re-committed on Thursday next.

A Bill to amend the Law regulating the Election of Directors of the *Grand River Navigation Company*, was according to Order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Thursday* next.

House goes into Committee on Public Improvements.

The Order of the day, for the House in Committee to take into consideration the Message of His Excellency the Governor General, relative to Public Improvements, together with the documents accompanying the same, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Chesley* took the chair of the Committee.<sup>1</sup>

Mr. *Secretary Harrison* said he would not occupy the time of the House any further than submitting certain resolutions thereon, to be printed, and afterwards taken into consideration.<sup>2</sup>

Sir *Allan MacNab* was anxious to know, of the Hon. Secretary, what would be the financial scheme to provide for the great outlay in contemplation.<sup>3</sup>

The hon. Secretary ((Mr. Harrison)) replied, that it was necessary to raise a sum to pay off the interest of £1,500,000, the Bank scheme alluded to, had been devised, which, if approved of, would enable the Government to dispense with imposing any additional duties in the way of customs. If, however, the amount estimated for the various improvements should be reduced, by the voice of Parliament being raised against such an outlay in the aggregate, a smaller sum would only be required, which, in the course of discussion when in committee, the House would decide upon, and legislate accordingly.<sup>4</sup>

The resolutions ((were)) laid on the table....

*Resolutions introduced by the Hon. S.B. Harrison, for the Public Improvements of the country.*

1. *Resolved* — That the following Public Works, in this province, should be undertaken and completed, under the superintendence of the Board of Works; and that sums severally mentioned, should be granted to Her Majesty, for that purpose —

CLASS ONE.

Welland canal, .....	£ 450,000
River Richelieu, .....	21,000
River Ottawa, .....	28,000
Burlington bay canal, .....	45,000
Internal waters of the Newcastle district, .....	50,000 (sic)
Harbors and Light Houses, and the Roads leading thereto, .....	74,000

CLASS TWO.

Bay of Chaleurs road, .....	15,000
Gosford road, .....	10,000
Main northern road, .....	30,000
Main province road, Quebec to Amherstburg — certain portions thereof, viz: —	
Cascades to Coteau du Lac, .....	15,000
Brantford to London, .....	55,000
Thence to Port Sarnia, .....	15,000
London to Chatham, Sandwich and Amherstburg, .....	36,000

and that the Government of this province should be authorized to raise, on the credit of the consolidated revenue fund of Canada, the necessary sums of money.

2. *Resolved* — That as soon as a loan of not less than £500,000 can be negotiated and obtained, by the Government of this province, from any private company or companies, at a reduced rate of interest, the improvement of the navigation of the river St. Lawrence should also be undertaken and completed.

3. *Resolved* — That with a view to redeem the interest on the existing public debt of Canada, it is desirable, that the sum of £1,500,000, Sterling money of Great Britain, should be raised, by loan, on the best terms that can be obtained, under the guarantee proposed and offered in the despatch of the Right Honorable the Secretary of State for the Colonies, dated the third day of May last past; the proceeds of such loan to be applied, in the first place, to liquidate and pay off the public debt, and the surplus to be expended in the completion of the aforesaid public works.

4. *Resolved.* — That it is expedient to aid the revenue of this province, and to afford facility in obtaining of a portion of the money necessary to be raised for the foregoing works, by the issue of paper, in the name and on account of the province, payable on demand, so far as this can be effected, with a due regard to the public faith, and the interest of the province.

5. *Resolved* — That such further revenue as may be required to afford a security sufficient for borrowing the necessary sums, to complete the public works so to be undertaken, should be raised by an alteration of the duties of customs imposed on various articles imported into this province.<sup>5</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Chesley reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Progress.

Sit again on  
Thursday next.

*Ordered* — That the said Committee have leave to sit again on  
*Thursday* next.

House goes into Com-  
mittee on Return to  
Address in case of  
Chris. Leggo.

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The Order of the day, for the House in Committee on the Report of the Special Committee to which was referred the Return to an Address of the 6th of *July* last, from this House to His Excellency the Governor General, relative to the claim of *Christopher Leggo*, of *Brockville*, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Cameron* took the chair of the Committee, and after some time spent therein,

Resolution reported.

Mr. Speaker resumed the chair,

And Mr. *Cameron* reported, that the Committee had come to a Resolution, which Resolution was again read at the Clerk's Table, and agreed to by the House, and is as followeth : —

Address to His  
Excellency in case  
of Chris. Leggo.

*Resolved* — That an humble Address be presented to His Excellency the Governor General, respecting the claim of *Christopher Leggo*, of the Town of *Brockville*, whose shop was, without provocation, forcibly entered in the spring of 1838, by some volunteers, at that period stationed in the said Town for the protection of its inhabitants, for which offence several of the said volunteers were tried and convicted — informing His Excellency that the loss sustained by the said *Christopher Leggo*, amounting to the sum of two hundred and forty six pounds, has been one of severe hardship and privation, and loudly calls for immediate relief, and humbly praying that His Excellency will be pleased to take the subject into his serious and immediate consideration, and afford such redress as the nature of the case may require.

*Ordered* — That the said Address be presented to His Excellency by such members of this House as are of the Honourable the Executive Council of this Province.

House goes into  
Committee on Elec-  
tion Bills.

The Order of the day for the House in Committee, on the Bill, the better to provide for the freedom of Elections throughout this Province, and for other purposes therein mentioned; and the Bill to provide for the enregistration of persons entitled to vote at the elections of members of the Legislative Assembly of this Province, and to make better provision for the holding of such elections, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Turcotte* took the chair of the Committee,<sup>6</sup>

After a long discussion about flags and banners the blanks of the bill were filled up, with various pecuniary amounts....<sup>7</sup>

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and after some time spent therein,

Election Bill  
amended.

Mr. Speaker resumed the chair,

And Mr. *Turcotte* reported, that the Committee had gone through the Bill the better to provide for the freedom of elections throughout this Province, and for other purposes therein mentioned, and had made several amendments thereto which he was directed to report to the House whenever it shall be pleased to receive the same, and also that he was directed by the Committee to move for leave to sit again,

*Ordered* — That the Report be received to-morrow.

Report to be received  
to-morrow and Com-  
mittee to sit again.

*Ordered* — That the said Committee have leave to sit again to-morrow.

Order of day post-  
poned.

On motion of Mr. *Aylwin*, seconded by Mr. *J. S. MacDonald*,

*Ordered* — That the Orders of the day that have not been disposed of, be postponed until to-morrow.



Mr. *Aylwin* moved, seconded by Mr. *J. S. McDonald*, that the House do now adjourn.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative, and —

The House adjourned accordingly.

#### Appendix. 24 August 1841.

##### ((Question about Colonial Funds.))

In answer to a question put to Mr. Secretary Harrison relative to the funds of the colony, the hon. member ((**Mr. Harrison**)) said that he trusted after the present session, our securities would have a character equal to those of the mother country.<sup>8</sup>

**Mr. Dunn** also observed that the Imperial act required that the proceeds of the Clergy Reserves sold in this country, should be invested in Great Britain, this did not result from any mistrust with respect to the Province; but as it was the case, it was deserving of consideration that on this account the Clergy of Canada, instead of being in the receipt of £8,000 per annum (sic), had a revenue only of £6,000, a defect which would continue until it was provided otherwise.<sup>9</sup>

##### ((Notice of Proposed Motion.))

**Col. Prince** gave notice of a bill to establish a Court of Impeachment. The gallant Colonel observed that with respect to "responsibility," he was desirous that it should be of a different nature to that laid down by the member for Port Neuf, which appeared to be based exclusively on the ejection of those who occupied the treasury benches from office.<sup>10</sup>

Footnotes — 24 August 1841.

1. The debate occurring was reported by: *BRITISH COLONIST*, 1 September 1841, whose report was copied by *ST. CATHARINES JOURNAL*, 9 September 1841; *EXAMINER*, 1 September 1841.

2. *ST. CATHARINES JOURNAL*, 9 September 1841, copied from *BRITISH COLONIST*, 1 September 1841.

3. *IBID.*

4. *IBID.*

5. *IBID.*

6. The debate which took place was mentioned in: *BRITISH COLONIST*, 1 September 1841; *MONTREAL GAZETTE*, 27 August 1841; *LE CANADIEN*, 30 August 1841.

7. *BRITISH COLONIST*, 1 September 1841.

8. *IBID.*

9. *IBID.*

10. *IBID.*

Wednesday, 25 August 1841.

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- Petitions brought up.* The following Petitions were severally brought up and laid on the table.
- Rev. Hugh Urquhart and others. By Mr. McLean — The Petition of the Reverend *Hugh Urquhart*, and Elders, of *St. John's Church, Cornwall*; the Petition of *Michael Kelly* and others, inhabitants, of the Townships of *Roxborough*, and *Finch*, and the Petition of *Allan McDonell* of *St. Andrews*, Township of *Cornwall*.
- M. Kelly and others.
- Allan McDonell. By Sir *Allan McNab* — The Petition of *Amos West*, of the Township of *West Gwillimbury*.
- Amos West.
- Montreal Roads Bill passed. An engrossed Bill to amend the Ordinance of the *third VICTORIA* Chapter *thirty-one*, for the improvement of the Roads in the neighbourhood of, and leading to the City of *Montreal*, was read for the third time.
- Title. *Resolved* — That the Bill do pass and that the title be "*An Act to amend the Ordinances of the Legislature of the late Province of Lower Canada, providing for the improvement of Roads in the neighbourhood of the City of Montreal.*"
- Ordered* — That Mr. *Holmes* do carry the said Bill to the Legislative Council and desire their concurrence.
- Magdalen Islands Bill passed. An engrossed Bill to provide temporarily for the administration of Justice in the *Magdalen Islands*, in the Gulf of *St. Lawrence*, was read for the third time.
- Resolved* — That the Bill do pass.
- Ordered* — That Mr. *Christie* do carry the said Bill to the Legislative Council, and desire their concurrence.
- Public Lands Bill read 3rd time. An engrossed Bill for the disposal of Public Lands, was read for the third time.
- Ryder proposed. Mr. *Hincks* moved, seconded by Mr. *Thompson*, that the following engrossed clauses marked A & B be added to the said Bill by way of Ryder, and do make part thereof.

(A.)

And be it enacted, that the monies paid into the hands of the Receiver General by the Commissioner of Crown Lands, under the provisions of this Act, or by any other person or officer as the proceeds of sales of Crown Lands, whether before or after the passing of this Act, shall form a separate fund to be kept apart from other monies in the hands of the said Receiver General, and shall by him be invested from time to time in Provincial securities, or in the securities issued by the District Council of any Municipal District in this Province, according to the directions which he shall from time to time receive from the Governor, or Person administering the Government, which directions shall be so framed as always to give the preference, so far as may be possible to each Municipal District respectively, applying for any such investment, for the supposed net amount arising from the sale of lands in such District then in the hands of the Receiver General, and if any such securities shall be redeemed at any time, the principal sum shall form part of the separate fund aforesaid, and shall as occasion may offer be reinvested in the manner herein provided, and the interest only, arising from the monies forming the said separate

fund, shall be applicable to the general uses of this Province, and all such interest shall be received by the said Receiver General, if accruing

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on any loan to any Municipal District, and credited by him to the account of the consolidated Revenue fund of the Province, if accruing upon any Provincial security, and shall in either case, be applied and accounted for as other public moneys in his hands; but the principal shall in all cases remain untouched as a separate fund to produce Revenue as aforesaid.

(B.)

And be it enacted that the per centage to be allowed, to the several District Agents, upon the amounts received by them under this Act, shall in no case exceed five per cent on the said amounts, any thing in the foregoing sections of this Act to the contrary notwithstanding.<sup>1</sup>

**Dr. Dunlop** observed (but could hardly be heard for the noise) that one of the essentials requisite in a paramount degree, in a country abounding in so much wild land as Canada, was, to have good roads cut to facilitate the occupation of it by emigrants. The amount of land agency, the hon. member remarked, depended entirely upon circumstances — those of various grades and professions employed by the Canada Company in this capacity realizing about 7½ per cent, amounting in some instances to £50 per annum, in others to £30. The land here he was of opinion ought not to be dearer than in the United States where it had a fixed price of 6s 3d per acre, affording in itself no inducement for British agriculturists to emigrate thither. The system adopted by many of encumbering themselves with an extent of acres, with a capital only equal to the first instalment, he had noticed operated most injuriously, the parties being frequently obliged, in order to meet the demands against them, to dispose of the whole, with the loss of their improvements. He was anxious to see a sounder system adopted, based upon the purchase of actual capital in hand.<sup>2</sup>

The hon. Secretary **Mr. Harrison** and **Mr. Baldwin** concurred in the principle of the amendment.<sup>3</sup>

**Messrs. Neilson** and **Aylwin** took the opposite side and were desirous of a postponement of the third reading of the bill, to give farther (sic) time for consideration.<sup>4</sup>

**Mr. Hincks** supported his argument in favour of the rider by a statement of receipts and expenditure connected with land agency, not very flattering to those desirous of an existing state of things.<sup>5</sup>

**Mr. Attorney General Draper** though inclined to support the principle of the amendment, would rather it should have been discussed with subjects closely connected with it, the bill being intended principally to regulate the sale of public lands not the disposal of the proceeds of them.<sup>6</sup>

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Ryder lost.

The question having been put upon the said motion, a division ensued, and it passed in the negative.

The Honourable **Mr. Harrison** moved, seconded by **Mr. Parke**, that the Bill do pass.

Bill passed.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative,

*Resolved — Accordingly.*

Bill sent to Legislature Council.

*Ordered —* That the Honourable **Mr. Harrison** do carry the said Bill to the Legislative Council, and desire their concurrence.

*Petitions read.*

Of **Malcolm McGillivray** and others.

Pursuant to the order of the day, the following Petitions were read :

Of **Malcolm M'Gillivray**, and others, Trustees of the Presbyterian Congregation of **Lochiel**, in the Eastern District, praying that an Act be passed enabling them to make conveyance of part of a certain lot of land.

**John McDonald** and others.

Of **John MacDonald**, and others, Censitaires of the Seignory of **Beauharnois**, praying for the abolition of the Feudal Tenure.



Of Lewis Lyman.

Of *Lewis Lyman*, Commissioner of the North American Colonial Association of Ireland, and other inhabitants of the County of *Beauharnois*, praying that in considering the improvement of the Navigation of the River *Saint Lawrence*, the House will follow such course as to its wisdom and justice seem fit.

Of William Walker and others.

Of *William Walker*, and others, Merchants of the City of *Quebec*, praying, for an Act of Incorporation in favour of the Board of Trade of the said City.

Of John Arnold and others.

Of *John Arnold*, and others, inhabitants of the County of *Oxford*, praying, that the Agricultural interests of the Province may be protected, by imposing duties on products imported into the Province.

J. S. Baldwin and others.

Of *J. S. Baldwin*, and others, Citizens of *Toronto*, praying the House to Petition Her Majesty to cause the Parliament of *Canada* to meet alternately at *Toronto* and *Quebec*, or remunerate those Cities for the great loss they will otherwise sustain.

On motion of Mr. *J. S. MacDonald*, seconded by Mr. *Price*,

Petition of Malcolm McGillivray and others referred.

*Resolved* — That the Petition of *Malcolm McGillivray*, and others, Trustees of the Presbyterian Congregation of *Lochiel*, in the Eastern District, be referred to a Select Committee composed of Messieurs *Thorburn* and *Cameron* to examine the contents thereof, and report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Petition of Remegius Gaulin, Bishop of Kingston and others, referred.

*Ordered* — That the Petition of the Right Reverend *Remegius Gaulin*, Bishop of *Kingston*, and of the Reverend *A. Mauseau*, and *H. Hudon*, administrators of the diocese of *Montreal*, presented to the House on the *eighteenth* instant, be referred to the Select Committee to which was referred the Bill to repeal certain Acts therein mentioned, and to make provision for the establishment and maintenance of Common Schools, throughout this Province, and other references.

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The Honourable *D. Daly* presented, pursuant to an address of the House of Assembly, of the *seventeenth* instant, a return on the subject of the monies paid to the Receiver General, subsequently to the *twenty-fifth* of *February* 1832, out of the Jesuits Estates.

Return to Address to His Excellency of 17 August.

Return to an address from the House of Assembly to His Excellency, the Governor General, — dated 17th *August* 1841, praying “a statement of the sums of money received into the Receiver Generals, chest in each year, subsequent to the 25th *February* 1832, arising out of the estates of the late order of Jesuits, and of the amount thereof, now in the hands of the Receiver General at the disposal of the Legislature, for the purposes of education exclusively, conformably to the first clause of the Statute of *Lower Canada*, 2nd, WILLIAM, IV., chap. 41.”

D. DALY,  
Secretary.

Secretary's Office, Kingston, }  
20th August, 1841.

Statement of the sums of money received into the Receiver General's chest in each year, subsequently to the 25th *February*, 1832, arising out of the estate of the late order of Jesuits, and of the amount thereof, now in the hands of the Receiver General at the disposal of the Legislature, for the “purposes of education exclusively”, conformably to the first clause of the Statute of *Lower Canada*, 2nd., WILLIAM, 4th chap. 41.

## CURRENCY.

Statement of Moneys  
received from Jesuits  
Estates.

Balance in the Receiver General's hand on the 10th October, 1831 .....	1,870	10	8½
Amount received in 1832 .....	2,695	14	9½
do. do. in 1833 .....	1,600	6	6½
do. do. in 1834 .....	1,654	11	6½
do. do. in 1835 .....	1,767	5	8½
do. do. in 1836 .....	2,139	2	9
do. do. in 1837 .....	2,207	17	11
do. do. in 1838 .....	1,911	4	8½
do. do. in 1839 .....	1,563	5	5½
do. do. in 1840 .....	1,923	7	6¼
do. do. in 1841 .....	1,497	18	8¾
Total Currency, £ .....	20,831	6	4½
Less amount of payments made in 1832, on ap- propriations by Provincial Act 2. WILLIAM 4th chap. 41 .....	977	11	11
Balance now in hands of the Receiver General in Currency, £ .....	19,913	14	5½
Equal in Sterling to £ .....	17,922	7	0

JOSEPH CAREY,  
Inspector General of Accounts.

Kingston, 20th August, 1841.

On motion of Mr. *Neilson*, seconded by Mr. *Raymond*,

*Ordered* — That the said Return be referred to the Select Committee, to which was referred the Bill, to repeal certain Acts therein men-

Report referred to  
Committee on  
Schools.

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tioned, and to make provision for the establishment and maintenance of Common Schools throughout this Province, and other References.

Select Committee on  
petition of Trustees of  
College of L'Assomp-  
tion, report Bill to  
incorporate said  
College.

Mr. *Raymond*, from the Select Committee to which was referred the Petition of the Trustees of the College of *L'Assomption*, with power to report by Bill or otherwise, presented to the House, a Bill to incorporate the College of *L'Assomption*, in the County of *Leinster*, which was received, and read for the first time.

*Ordered* — That the said Bill be read a second time on *Monday* next.

On motion of the Honourable Mr. *Harrison*, seconded by Mr. Attorney General *Draper*,

*Ordered* — That the amendments made by the Legislative Council to the Bill intituled "*An Act to secure to, and confer upon, certain inhabitants of this Province the Civil and Political rights of natural born British Subjects*," be now taken into consideration.

The House proceeded accordingly to take the said amendments into consideration,

And the said amendments were read, and are as followeth : —

Press 1, line 15 — After "the" leave out "five," and insert "seven."

Press 1, line 16 — After "for" leave out "five," and insert "seven."

Press 1, line 39 — After "Province" leave out "five," and insert "seven."

Press 2, line 3 — After "for" leave out "five," and insert "seven."

Press 2, line 6 — After "such" leave out "five," and insert "seven."

Press 2, line 10 — After "of," leave out "five," and insert "seven."

Press 5, line 30 — After "of" leave out "five," and insert "seven."

House in considera-  
tion of amendments  
of Legislative Council  
to naturalization Bill.

Amendments.

Press 6 — In the Declaration, column 4, leave out "five," and insert "seven."

Engrossed amendments.

JAMES FITZGIBBON,  
Clerk Leg. Council.

**Mr. Aylwin**... remarked, that those who had been born, and passed a great portion of their lives in the States, were too generally imbued with principles adverse to British institutions; for that reason, he never could concur, in the privileges so widely and rashly granted by the bill, which threatened to inundate the country with renegades, and others, who were by no means calculated to advance its true interests, or amalgamate with the sympathies of its inhabitants.<sup>7</sup>

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Motion to concur in the amendments.

And the said amendments being again read,  
The Honourable Mr. *Harrison* moved, seconded by Mr. Solicitor General *Day*,

That this House doth concur with the Legislative Council in the said amendments.

Motion to postpone concurrence.

Sir *Allan MacNab* moved, in amendment to the said motion, seconded by Mr. *Cartwright*,

That the said amendments be concurred in on the 4th day of *July* next.

Lost.

The question being put on the motion of amendment, a division ensued, and it passed in the Negative.

Main motion carried.

The question being then put on the main motion, it was agreed to by the House, and

*Resolved* — Accordingly.

*Ordered* — That the Honourable Mr. *Harrison* do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath agreed to their amendments.

Mr. Baldwin decides on sitting for Committee of Hastings.

*Robert Baldwin*, Esquire, being chosen a Knight to serve in this Provincial Parliament for the 4th Riding of the County of *York*, and also for the County of *Hastings*, made his election to serve for the County of *Hastings*.

Witnesses of election ordered for 4th. riding of York.

*Ordered* — That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Chancery, to make out a new Writ, for the election of a

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Knight to service in this present Provincial Parliament for the 4th Riding of the County of *York*, in the room of the said *Robert Baldwin*, Esquire.

On motion of Mr. *Christie*, seconded by Mr. *Aylwin*,

Address to His Excellency for Return of Confiscations in Canada East.

*Resolved* — That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a statement of the confiscations in that part of the Province which lately constituted *Lower Canada*, in consequence of the insurrections therein in 1837 and 1838; such statement to specify the several immoveables confiscated and sold; the names of the persons to whom they respectively belonged; the expenses incurred on the part of the Crown in the prosecutions; the amount realized upon the sale of each; and the sum total paid into the Provincial Treasury, arising from such confiscations; and that His Excellency will also be pleased to cause to be laid before this House, a list of the names of all such persons, belonging to the said late Province of *Lower Canada*, as have been, by any Legislative Acts, or judicial proceedings, outlawed, and of such also as are in exile in consequence of any political offences committed in the late Province aforesaid.

*Ordered* — That the said Address be presented to His Excellency, by such members of this House as are of the Honourable the Executive Council of this Province.



Bill to render Vice Admiralty Judge ineligible brought in.

*Ordered* — That Mr. *Christie* have leave to bring in a Bill, to render the Judge of Her Majesty's Court of Vice Admiralty, ineligible to the Legislative Assembly of the Province.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time on *Monday* next.

Address to His Excellency for Return of situations held &c. by Commissioners on late Toronto Riots, ordered.

On motion of Mr. *Johnston*, seconded by Mr. *Aylwin*,  
*Resolved* — That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to inform this House what situations, or places of profit and emolument, are held (if any) under the Government of this Province, by the Commissioners who were appointed to investigate the late riots at *Toronto*; and what remuneration has been paid to the said Commissioners in their said capacity.

*Ordered* — That the said Address be presented to His Excellency, by such members of this House as are of the Honourable the Executive Council of this Province.

Sir A. McNab added to Committee on Public Acc'ts and Estimates.

*Ordered* — That Sir *Allan McNab*, be added to the Select Committee, to which was referred so much of the Message of His Excellency the Governor General, as relates to the Estimates for the year ending 31st *December*, 1841, together with the documents connected therewith.

Address to His Excellency for documents respecting Seignory of Lauzon, ordered.

On motion of Mr. *Aylwin*, seconded by Mr. *Parent*,  
*Resolved* — That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, copies of all communications between Her Majesty's Ministers, or any of them, and the Provincial Government, respecting the Seignory of *Lauzon*; of all documents relating to any compromise between the Crown and the Seignor of *Lauzon*; of the claims upon the said Seignory under two certain judgments obtained by the Crown against the said Seignor in the Court of King's Bench, for the District of *Quebec*, and a return of all monies received by the Crown during the last five years, as and for the rents,

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issues and profits of the said Seignory; and a statement of the expenditure of such moneys, with the authority under which such expenditure was made.<sup>8</sup>

*Ordered* — That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Motion for House to go into Committee on Petition of Reverend W. Ryerson and others, for aid to U.C. Academy.

Mr. *Boswell* moved, seconded by Mr. *Gilchrist*,

That this House do now resolve itself into a Committee of the whole House, to take into consideration that part of the Petition of the Reverend *Wm. Ryerson*, and others, composing the Board of the *Upper Canada Academy*, which prays for "aid to the said Institution so as to maintain and extend its useful operations."

Mr. *Neilson* was of opinion that the Executive should take the initiative in such matters.<sup>9</sup>

Mr. *Harrison* expressed his concurrence in such opinion, — but how could he restrain hon. members if they *would* exert the power themselves?<sup>10</sup>

Mr. *Baldwin* was perfectly ready to acquiesce in the utility of the institution for which the grant was sought, but he did not consider the present time applicable to entertain the motion. In answer to a remark from Mr. *Boswell*, he said that he had invariably through the session raised his voice against any interference with the Executive, with respect to grants of money, a recommendation for which should emanate from that branch; he could not, however, rise on every occasion and repeat his sentiments.<sup>11</sup>

**Messrs. Cameron and Roblin** similarly observed that it had hitherto been the practice, to draw up resolutions expressive of the wants of the community, to be submitted to the government for acquiescence; if this course was to be impeded, (without any desire to clog the responsibility entailed up in the Executive,) how could it be known what was required, unless the Government possessed ubiquity and omniscience.<sup>12</sup>

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The question having been put upon the said motion a division ensued, and the names being called for they were taken down as followeth:—

## YEAS.

<i>Boswell,</i>	<i>Dunn, Hon. J.H.</i>	<i>Harrison, Hon. S.B.</i>	<i>Roblin,</i>
<i>Cameron,</i>	<i>Durand,</i>	<i>Holmes,</i>	<i>Smith, (Went.)</i>
<i>Campbell,</i>	<i>Dunlop,</i>	<i>Hopkins,</i>	<i>Small,</i>
<i>Crane,</i>	<i>Foster,</i>	<i>Morris,</i>	<i>Thompson,</i>
<i>Derbshire,</i>	<i>Gilchrist,</i>	<i>Parke,</i>	<i>Woods. — 20.</i>

## NOES.

<i>Armstrong,</i>	<i>Cartwright,</i>	<i>Neilson,</i>	<i>Taché,</i>
<i>Aylwin,</i>	<i>Christie,</i>	<i>Parent,</i>	<i>Turcotte,</i>
<i>Baldwin,</i>	<i>Dunscumb,</i>	<i>Price,</i>	<i>Viger, Hon. D.B.</i>
<i>Barthe,</i>	<i>Hincks,</i>	<i>Quesnel,</i>	<i>Watts,</i>
<i>Boutillier,</i>	<i>Johnston,</i>	<i>Ruel,</i>	<i>Yule. — 22.</i>
<i>Burnet,</i>	<i>McDonald, (Glen.)</i>		

Motion lost.

So it passed in the Negative.

Chairman of  
Committee of whole  
on election Bill  
reports amendments  
to said Bill.

**Mr. Turcotte**, from the Committee of the whole House on the Bill, the better to provide for the freedom of Elections throughout this Province, and for other purposes therein mentioned; and the Bill, to provide for the enregistration of persons entitled to vote at Elections of Members of the Legislative Assembly of this Province, and to make better provision for the holding of such Elections, reported, according to order, the amendments made by the Committee to the first of the said Bills, which amendments were again read at the Clerk's Table.

Question of concur-  
rence put.

*Ordered* — That the question of concurrence be now separately put upon the said amendments.

1st. to 18th. amend-  
ment agreed to.

And the first to the eighteenth of the said amendments, inclusive, being again severally read, and the question of concurrence being separately put upon each, they were agreed to by the House.

19th amendment lost.

The nineteenth and last of the said amendments being again read, and the question of concurrence being put thereon, it passed unanimously in the Negative.

Proviso moved to  
34th. clause of Bill.

**Mr. Watts** moved, seconded by **Mr. Johnston**,

That the following proviso be added at the end of the 34th clause of the said Bill — "Provided always that nothing in this clause shall be held to extend to the National Flag."<sup>13</sup>

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:—

## YEAS.

<i>Campbell,</i>	<i>Foster,</i>	<i>McLean,</i>	<i>Steele,</i>
<i>Cartwright,</i>	<i>Gilchrist,</i>	<i>Ogden, Hon. C.R.</i>	<i>Thompson,</i>
<i>Derbshire,</i>	<i>Hule,</i>	<i>Parke,</i>	<i>Watts,</i>
<i>Dunscumb,</i>	<i>Johnston,</i>	<i>Sherwood,</i>	<i>Williams. — 18.</i>
<i>Dunlop,</i>	<i>McNab, Sir A. N.</i>		

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## NOES.

<i>Armstrong,</i>	<i>Daly, Hon. D.</i>	<i>Neilson,</i>	<i>Ruel,</i>
<i>Aylwin,</i>	<i>Day, Hon. C. D.</i>	<i>Parent,</i>	<i>Small,</i>
<i>Baldwin,</i>	<i>Holmes,</i>	<i>Powell,</i>	<i>Smith, (Went.)</i>
<i>Barthe,</i>	<i>McDonald, (Pres.)</i>	<i>Price,</i>	<i>Taché,</i>

<i>Boutillier,</i>	<i>Merritt,</i>	<i>Raymond,</i>	<i>Turcotte,</i>
<i>Burnet,</i>	<i>Morin,</i>	<i>Roblin,</i>	<i>Viger, Hon. D.B.</i>
<i>Christie,</i>			(25).

Lost.

Motion to expunge.  
34th clause.

So it passed in the Negative.

Sir *Allan MacNab* moved, seconded by Mr. *Cartwright*,

That the 34th clause of the said Bill be expunged.

The question being put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth : —

## YEAS.

<i>Cartwright,</i>	<i>Dunscomb,</i>	<i>McNab, Sir A. N.</i>	<i>Steele,</i>
<i>Derbshire,</i>	<i>Johnston,</i>	<i>McLean,</i>	<i>Watts. — 8.</i>

## NOES.

<i>Armstrong,</i>	<i>Daly, Hon. D.,</i>	<i>Morin,</i>	<i>Ruel,</i>
<i>Aylwin,</i>	<i>Day, Hon. C. R.</i>	<i>Neilson,</i>	<i>Small,</i>
<i>Baldwin,</i>	<i>Dunlop,</i>	<i>Ogden, Hon. C.R.</i>	<i>Smith, (Went.)</i>
<i>Barthe,</i>	<i>Foster,</i>	<i>Parent,</i>	<i>Sherwood,</i>
<i>Boutillier,</i>	<i>Gilchrist,</i>	<i>Parke,</i>	<i>Taché,</i>
<i>Burnet,</i>	<i>Hale,</i>	<i>Powell,</i>	<i>Thompson,</i>
<i>Campbell,</i>	<i>Holmes,</i>	<i>Price,</i>	<i>Turcotte,</i>
<i>Child,</i>	<i>McDonald, (Pres.)</i>	<i>Raymond,</i>	<i>Viger, Hon. D.B.</i>
<i>Christie,</i>	<i>Merritt,</i>	<i>Roblin,</i>	<i>Williams. — 36.</i>

Lost.

So it passed in the Negative.

*Ordered* — That the said Bill, as amended, be engrossed.

Montreal aged  
Women's Asylum Bill,  
read 2nd time.

A Bill to incorporate the *Montreal Asylum* for aged and infirm Women, was according to order, read a second time.

*Ordered* — That the said Bill be engrossed.

Montreal R. C. Or-  
phan Asylum Bill  
read 2nd time.

A Bill to incorporate the Ladies of the *Roman Catholic* Orphan Asylum of *Montreal*, was, according to order, read a second time.

*Ordered* — That the said Bill be engrossed.

Bill to regulate ap-  
pointment of Magis-  
trates' Clerks read  
2nd time.

A Bill to regulate the appointment of Clerks of Magistrates in Country Parishes and Townships, in the late Province of *Lower Canada*, and to provide rules for their conduct, and that of Bailiffs, in certain cases, was, according to order, read a second time.

On motion of Mr. *Boutillier*, seconded by the Honourable Mr. *Viger*,

Bill referred to select  
Committee.

*Resolved* — That the said Bill be referred to a Select Committee, composed of Mr. *Quesnel*, Mr. *Aylwin*, Mr. *Yule*, and Mr. *Taché*, to report thereon with all convenient speed; with power to send for persons, papers and records.

House in Committee  
on Quebec Roads Or-  
dinance.

The Order of the day, for the House in Committee on the Ordinance of the Legislature of *Lower Canada*, passed in the 4th year of Her Majesty's Reign, intituled "*An Ordinance to provide for the improvement of certain Roads in the neighbourhood of, and leading to, the City of Quebec, and to raise a fund for that purpose,*" with a view to ascertain how far it is expedient to extend the provisions of the said Ordinance, to a certain road on the *North* side of the River *Saint Charles*, being read,

The House accordingly resolved itself into the said Committee.

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Mr. *Morris* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Resolution reported.

And Mr. *Morris*, reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's Table, and agreed to by the House, and is as followeth : —



Resolution.

*Resolved* — That it is expedient to extend the provisions of the Ordinance passed in the 4th year of Her Majesty Reign, chapter 16, to a certain Road on the *North* side of the River *Saint Charles*, in the District of *Quebec*.

Bill to extend provisions of Quebec Road Ordinance brought in.

*Ordered* — That Mr. *Black*, have leave to bring in a Bill to extend the provisions of an Ordinance therein mentioned, to a certain road on the *North* side of the River *Saint Charles*, in the District of *Quebec*.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time on *Monday* next.

Amendments of Leg. Council Marriage Bill, taken into consideration.

The Order of the day, for taking into consideration the amendments made by the Legislative Council to the Bill intituled "*An Act to enable the Ministers of all denominations of Christians to solemnize marriage, under certain restrictions*," being read,

The House proceeded accordingly to take the said amendments into consideration.

And the said amendments were read, and are as followeth : —

#### IN THE TITLE :

Amendments.

Line 1 — After "to" expunge the remainder, and insert "provide for the solemnization of Marriage between certain parties therein mentioned."

#### IN THE BILL :

Line 1 — After "whereas" expunge the remainder of the Bill, and insert "religious scruples are entertained by certain of Her Majesty's subjects, inhabitants of this Province, not belonging to any of the Churches or religious Denominations, the Ministers or Clergy of which are now allowed by law to solemnize matrimony, respecting the solemnization of that rite by the said Ministers of Clergy ; and whereas it is expedient to provide means for the lawful contracting of matrimony by such persons, and others who may choose to take advantage of such provision, and to secure the proper and safe registration of marriages so solemnized ; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of *Canada*, constituted and assembled by virtue of, and under the authority of, an Act passed in the Parliament of the United Kingdom of *Great Britain* and *Ireland*, intituled "*An Act to Reunite the Provinces of Upper and Lower Canada, and for the Government of Canada*," and it is hereby enacted, by the authority of the same, that in any case of marriage intended to be contracted, it shall and may be lawful for one of the parties, intending so to contract matrimony, to apply to any one of Her Majesty's Justices of the Peace, resident in the County in which such marriage is intended to be solemnized, which said Justice is authorized and required upon such application and upon receipt of currency, to put up, in at least one public place of common resort in the said County, and in the same Township wherein one of the parties shall reside, a notice in the form stated in the Schedule to this Act annexed, marked A, and also to transmit to the Registrar of the County in which such marriage shall be intended to be solemnized, under the hand of the said Justice of the Peace, a true copy of such notice, which notice, and the certificate

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Amendments.

of the Justice of the Peace hereinafter mentioned, shall be entered at length in a Book to be kept by the Registrar for that purpose.

II. "And be it enacted, that after the said notice shall have been so publicly exhibited for the space of twenty one days, it shall and may be

lawful for the said Justice of the Peace, and he is hereby required, upon receipt of currency, to transmit to the Registrar of the County, a certificate that the notice aforesaid has been so exhibited, according to the form contained in the Schedule hereunto annexed, marked B., upon the receipt of which, the said Registrar shall make in his said book, immediately under the entry of such notice, the entry of the publication thereof, according to the said Schedule B., and, further, a certificate under his hand according to the form in the Schedule to this Act annexed, marked C.

III. "And be it enacted, that upon the completion of such several entries, or upon production of a marriage license lawfully issued, it shall and may be lawful for the parties mentioned in such notice, or such license, at the County Register Office, and in the presence of the Registrar or his Deputy, and of two or more credible witnesses, to make, each of them, the following declaration: "I do solemnly declare, that I do not know of any lawful impediment why I, A. B., may not be joined in matrimony to C. D.; and each of the said parties shall thereupon say to the other, I call upon these persons here present to witness that I, A. B., do take thee, C. D., to be my wedded wife" (or husband, as the case may be;) and the Registrar shall immediately thereupon enter a certificate in his said Book, to be signed by himself, the contracting parties, and witnesses, in the form of the Schedule to this Act annexed, marked D., after which the said parties shall be legally considered married to each other, as effectually as if the said marriage had been solemnized according to any form now allowed by law, or by any person now allowed to solemnize marriages, and that a certified copy of the entry in the Registrar's Book in the form of the said Schedule, marked D., shall be held to be *primâ facie* evidence of such marriage, in all Courts and legal proceedings whatsoever.

IV. "And be it enacted, that the parties who shall so contract matrimony may, if it please them, cause the marriage ceremony to be solemnized by any Minister or other person, according to such rites and forms as they shall choose, and that so performing the said ceremony shall not subject the person performing it, to any pain or penalty, any law or usage in the Province to the contrary thereof in any wise notwithstanding.

V. "And be it enacted, that any person whose consent shall or may be necessary to any such marriage, or who shall or may know any legal impediment to such marriage, may, at any time before such marriage, upon application to the County Registrar, cause to be entered in the Book aforesaid, the *caveat* of such person (in the form of the Schedule to this Act annexed, marked E.) forbidding such marriage, and stating the grounds upon which the said marriage is forbidden, upon which entry, if before or upon the day appointed for such marriage, the parties so intending to contract matrimony or either of them, shall confess and admit the facts stated in the said *caveat*, and if the said facts form a legal impediment to the said Marriage, the said Marriage shall not be solemnized.

VI. "And be it enacted, that if either of the said parties intending to contract matrimony, shall wilfully and fraudulently deny the existence of any such impediment to such Marriage, the said Marriage shall be void, and the person making such denial shall be subject to the pains and penalties of wilful and corrupt perjury.

VII. "And be it enacted, that every person who shall knowingly or wilfully make any false declaration, or sign any false certificate, re-

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quired by this Act, for the purpose of procuring any Marriage, and every person who shall falsely represent any impediment to exist to such Marriage in any such *caveat*, or who shall falsely represent himself or herself to be a person whose consent to such Marriage is re-

quired by law, shall be subject to the pains and penalties of wilful and corrupt perjury.

VIII. "And be it enacted, that every person who, after the passing of this Act, shall knowingly or wilfully solemnize any marriage unlawfully, shall be guilty of felony.

IX. "And be it enacted, that every prosecution under this Act, shall be commenced within three years after the offence committed.

X. "And be it enacted, that before making any such first entry as aforesaid, the Registrar of the County aforesaid, shall be entitled to demand and receive, from the party requiring the same, the sum of \_\_\_\_\_ currency, and no more, which shall be his sole fee for such entry, as well as all subsequent entiers, certificate of Marriage, or a copy thereof, to the parties contracting such Marriage, and shall also be entitled to demand and receive, from any person requiring a *caveat* against any such Marriage, before the same is entered, the sum of \_\_\_\_\_ currency, and no more.

XI. "And be it enacted, that this Act shall be in force and extend only to that part of the Province of *Canada*, formerly known as *Upper Canada*."

#### SCHEDULE A.

##### *Notice of Marriage,*

To be contracted before the Registrar of the County of *Frontenac*, in the *Midland* District.

NOTICE is hereby given, that a Marriage is intended to be had, between the parties herein named and described, that is to say : —

Name.	Condition.	Rank or Profession.	Age.	Residence.	Length of Residence.	District and County in which the other party resides, when the parties dwell in different places.
<i>James Smith,</i> <i>Martha Green.</i>	<i>Widower,</i> <i>Spinster.</i>	<i>Carpenter.</i>	<i>Of full</i> <i>Age,</i> <i>Minor.</i>	<i>Kingston,</i> <i>Cobourg.</i>	<i>Three years,</i> <i>One year.</i>	<i>County of</i> <i>Northumber-</i> <i>land,</i> <i>Newcastle Dis-</i> <i>trict.</i>

Witness my hand, this *tenth* day of *February*, 1842.

*JOSEPH SMITH, J. P.*

(The several Columns in this Schedule to be filled up, as the case may be.)

#### SCHEDULE B.

##### *Magistrate's Certificate,*

To the Registrar of the County of *Frontenac*, in the *Midland* District.

I, *Joseph Smith*, one of Her Majesty's Justices of the Peace for the *Midland* District, do hereby certify that on the *tenth* day of *February*, a notice of the intended Marriage, between the Parties herein named

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Amendments.

and described, was put up and publicly exhibited in the Township of *Kingston*, in the County of *Frontenac*, in the *Midland* District, and has been so exhibited for the space of twenty-one days, according to Law.



Name.	Condition.	Rank or Profession.	Age.	Residence.	Length of Residence.	District and County in which the other party resides, when the parties dwell in different places.
James Smith, Martha Green.	Widower, Spinster.	Carpenter.	Of full Age, Minor.	Kingston, Cobourg.	Three years, One year.	{ County of Northumber- land. Newcastle Dis- trict.

Witness my hand this *fourth* day of *March*, 1842.

JOSEPH SMITH, J. P.

(The several Columns in this Schedule to be filled up, as the case may be.)

#### SCHEDULE C.

I, *John Cox*, Registrar for the County of *Frontenac*, in the *Midland* District, do hereby certify that there has been this day received by me, a certificate under the hand of *Joseph Smith*, Esq., one of Her Majesty's Justices of the Peace, for the said District, that the Notice of the intended Marriage of the Parties hereinbefore mentioned and described, was put up and publicly exhibited in the Township of *Kingston*, in the County of *Frontenac*, in the *Midland* District, and has been so exhibited for the space of twenty-one days, according to Law.

Date of notice entered, 10th *February*, 1842.

Date of certificate given, 4th *March*, 1842.

The Solemnization of the Marriage has not been forbidden, by any person authorized to forbid the same.

Witness my hand, this *fifth* day of *March*, one thousand eight hundred and *forty-two*.

JOHN COX, Registrar.

(The particulars in this Schedule to be filled up, as the case may be.)

#### SCHEDULE D.

##### *Certificate of Marriage.*

I, *John Cox*, Registrar for the County of *Frontenac*, in the *Midland* District, in the Province of Canada, do hereby certify, that this day, before me and the witnesses hereinafter named, the parties hereinafter named and described, were joined together in matrimony, according to the terms of an Act of this Province, intituled, "An Act to provide for the solemnization of Marriage between certain parties therein mentioned," that is to say: *James Smith*, *Widower*, *Carpenter*, of full age, residing in *Kingston*, in the County of *Frontenac*, in the *Midland* District, to *Martha Green*, *Spinster*, a *Minor*, residing in *Cobourg*, in the County of *Northumberland*, in the *Newcastle* District, in the presence of *Peter Hastings*, of the Town of *Kingston*, aforesaid, *Carpenter*, and

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Amendments.

*George Green*, of *Cobourg* aforesaid, *Butcher*.

This Marriage was } JAMES SMITH,  
solemnized between us } MARTHA GREEN.  
In presence of us } PETER HASTINGS,  
} GEORGE GREEN.

Before me this *tenth* day of *March*, one thousand eight hundred and *forty-two*.

JOHN COX, Registrar.

(The words in *Italics* in this Schedule to be filled up, as the case may be.)

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SCHEDULE E.

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*Form of Caveat.*

*Province of Canada, Midland }  
District, County of Frontenac. }*

*To the Registrar for the said County of Frontenac.*

Take notice by these presents that *I, Robert Green, of Port Hope, in the county of Durham, in the Newcastle District, Butcher*, do hereby forbid the intended Marriage between *James Smith, Widower, Carpenter, of full age, of Kingston, in the County of Frontenac, in the Midland District, and Martha Green, Spinster, a Minor of Cobourg, in the County of Northumberland, in the Newcastle District*, because *I, the said Robert Green, being (the father of the said minor, have not consented to the said Marriage, or state such other cause as the case may be.)*

ROBERT GREEN.

Signed in the presence of { *WILLIAM ROBERTSON,  
FELIX O'NEILL,  
JAMES DOUGALL.*

*All of Port Hope, Yeomen.*

(The particulars in this Schedule to be filled up, as the case may be.)

Engrossed amendments.

Attest,

JAMES FITZGIBBON,  
Clerk Leg. Council.<sup>14</sup>

**Mr. Roblin** opposed them ((amendments)) *in toto* as reducing a solemn compact to a mere matter of form.<sup>15</sup>

**Mr. Baldwin** had a similar objection to them on the same principle, the sacredness of the obligation being thereby reduced to a common-place bargain.<sup>16</sup>

**Sir Allan MacNab** proposed to reject them and substitute the original bill passed by the House of Assembly, which they entirely subverted.<sup>17</sup>

**Mr. Small** said they were merely to remove the religious scruples of those, who objected to the solemnization of marriage among them, by Protestants, Catholics and other religious denominations, holding different tenets from themselves.<sup>18</sup>

**Mr. Hincks** expressed his great surprize at **Mr. Roblin's** opposing the amendments which he characterized as evincing a degree of liberality on the part of the Legislative Council, not hitherto evinced by that body during the session.<sup>19</sup>

**Sir Allan MacNab...** ((considered)) such liberality as any thing but complimentary to those strict moral principles which ought to be the rule of men aspiring to the name of statesmen.<sup>20</sup>

**Mr. Johnston** was anxious to know what kind of men these were, whose consciences were so peculiarly *tender*, that scarcely any religious community would marry them? Were they as devoutly scrupulous on all occasions? The hon. member pronounced the object aimed at, as demoralizing, and subverting the elements of civilized society.<sup>21</sup>

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**Mr. Small** moved, seconded by **Mr. Hincks**,

That the said amendments be referred to a Committee of the whole House on *Monday*, the 6th of *September* next.

Amendments referred  
to Com. of whole on  
6th Sept.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative.

*Ordered* — Accordingly.

Motion to print 300 copies of Bill and amendments.

Amendment moved.

Amendment lost.

Main motion carried.

Mr. *Small* moved, seconded by Mr. *Price*,

That three hundred copies of the said Bill and amendments be printed, for the use of the Members of this House:

Mr. *Johnston* moved in amendment, seconded by Mr. *Thompson*,

That the words "three hundred" be struck out of the said motion, and the words "one hundred and fifty" substituted.

The question having been put upon the motion of amendment, a division ensued, and it passed in the negative.

The question being then put on the main motion, a division also ensued, and it was carried in the affirmative.

*Ordered* — Accordingly.

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Bill to amend Quebec Corporation Ordinance read 2nd time.

A Bill to amend certain Ordinances therein mentioned, relative to the incorporation of the City of *Quebec*, was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Wednesday* next.

House in Committee on Savings Banks Bill.

The Order of the day for the House in Committee, on the Bill to encourage the establishment of, and to regulate Savings Banks, in this Province, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Aylwin*, took the chair of the Committee,

After a good deal of discussion on the part of Messrs. *Holmes*, *Viger*, and *Dr. Dunlop*, the 10th clause was amended, alluding to deposits (sic) to be invested in banks chartered or sanctioned by an act of the Provincial Legislature, the words "private banker" being struck out. In the 15th clause, the limit of amount of deposits was altered from £250 to £500. An additional clause was also added, limiting the operation of the act to ten years after the passing of it, to the end of the parliament in session at the expiration of that time.<sup>22</sup>

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and after some time spent therein,

Bill reported amended.

Mr. Speaker resumed the chair,

And Mr. *Aylwin*, reported that the Committee had gone through the Bill and had made several amendments thereto, which amendments were again read at the Clerk's table, and agreed to by the House.

Bill to be engrossed.

*Ordered* — That the said Bill, as amended, be engrossed.

Message from Leg. Council.

A message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery.

Bills passed Leg. Council.

MR. SPEAKER,

The Legislative Council have passed the following Bills, without any amendments: —

U. Canada District Council Bill.

"*An Act to provide for the better internal Government of that part of this Province which formerly constituted Upper Canada, by the establishment of Local or Municipal Authorities therein.*"

Bill to establish Bank of U.C. in Toronto.

"*An Act to permit the business of the Bank of Upper Canada to be carried on in Toronto, as usual.*"

Haldimand Glass Works Bill.

"*An Act to establish a Company to be called 'The Haldimand Glass Works Company'.*"

And also —

Dalhousie District Loan Bill.

The Legislative Council have passed the Bill intituled "*An Act to authorize a further loan to complete the building of the Court House and Gaol for the intended District of Dalhousie*" with several amendments to which they desire the concurrence of the Assembly.



And also —

LEGISLATIVE COUNCIL, TUESDAY, 24TH AUGUST, 1841.

Message, with Resolutions on an Education Commission.

*Ordered* — That the Master in Chancery do go down to the Legislative Assembly, and acquaint that House that the Legislative Council have adopted the accompanying Resolutions, on the subject of a Commission to prepare and report a system of general education; and request that they will unite with this House, in the necessary measure for that object.

Resolutions of Legislative Council for appointment of a Commission on Education.

*Resolved* — That it is most important to the peace and welfare of the People of this Province, that an efficient and well organized system of General education be, without further loss of time, established upon just and liberal principles, by which all classes of Her Majesty's subjects, shall enjoy equal advantages; and that the inhabitants of that part of the Province formerly called *Upper Canada*, be forthwith permitted to reap the benefits of that ample provision, which was made by His Majesty King GEORGE the Third, for the education of His subjects in that portion of the Province.

*Resolved* — That in Order to secure the assistance of those best qualified to devise a wise, efficient, and comprehensive plan, for the

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education of the People, it is important to appoint a Commission, which shall fully represent the general interests of the Community, with power to sit during the recess, and report, through the Government, at the next Session of the Legislature, the result of their labours, and the draught of a Law to establish and endow Common Schools, and District Grammar Schools, as Seminaries preparatory to the education of pupils intended for *Upper Canada* College, or for any University hereafter established.

Attest,

JAMES FITZGIBBON,  
Clerk Leg. Council.

And then he withdrew.

On motion of Mr. *Morris*, seconded by Mr. *Roblin*,

Order for House in Com. on Pet. of H. Weeks, postponed till Wednesday.

*Ordered* — That the Order of the day, for the House in Committee on the Report of the Special Committee to which was referred the Petition of *Henry Weeks*, of *Yonge*, District of *Johnstown*, be postponed until *Wednesday* next.

On motion of Mr. *Christie*, seconded by Mr. *McLean*.

Orders of day postponed.

*Ordered* — That the Orders of the day that have not been disposed of, be postponed until to-morrow.

Then on motion of Mr. *Quesnel*, seconded by the Honourable Mr. *Viger*,

The House adjourned.

#### Appendix, 25 August 1841.

((Motion for Address to Governor Re: Union and Jesuit Estates.))

Mr. *Aylwin* moved that an humble address be presented to His Excellency, relative to all correspondence between this and the Home Government on the subject of the Union. Also for all returns connected with the Jesuits Estates.<sup>23</sup>

((Resolutions Re: Civil List.))

Mr. *Neilson* gave notice of certain resolutions relative to the civil list.<sup>24</sup>

Ces résolutions protestent contre l'application des deniers publics par le parlement impérial, et expriment l'espoir que justice sera faite au Bas-Canada quant à la répartition

de la représentation, et déclarant qu'on n'entend pas reconnaître les dépenses qui ne l'ont pas été déjà par les ci-devant législatures des deux Canadas. L'impressions (sic) de ces résolutions a été ordonnée, et je pourrai vous les envoyer prochainement.<sup>25</sup>

((Complaint Re : Lack of Information about Revenue.))

Mr. Hincks complained of not having been able to obtain any satisfactory information with respect to the revenue, or the manner in which various sums paid to the Receiver General had been disbursed ; — and expressed his determination not to cease inquiry on the subject, notwithstanding the discouragement he had met with.<sup>26</sup>

Footnotes — 25 August 1841.

1. The debate occurring was reported in : BRITISH COLONIST, 1 September 1841 ; EXAMINER, 1 September 1841, containing a commentary upon it.

2. BRITISH COLONIST, 1 September 1841.

3. IBID.

4. IBID.

5. IBID.

6. IBID.

7. IBID.

8. LE CANADIEN, 30 August 1841, commented : "Il paraît que M. Caldwell (sic) consentirait à céder sa seigneurie de Lauzon pourvu qu'on lui donnât (sic) quittance. Ce serait bien le meilleur marché qu'on pourrait faire ; car si l'on vendait cette seigneurie par décret (sic), elle se vendrait bien au-dessous de sa valeur, et si la province en retient la régie et perçoit les revenus, comme c'est le cas maintenant, il arrivera que M. Caldwell, au bout d'un certain temps, aura payé sa dette, qui ne porte pas intérêt, et qu'il restera avec sa seigneurie, et que la province n'aura pas seulement dans l'intervalle, reçu l'intérêt de sa dette."

9. BRITISH COLONIST, 1 September 1841.

10. IBID.

11. IBID.

12. IBID.

13. According to BRITISH COLONIST, 1 September 1841, there was "a long debate upon flags and ensigns in the eloquent tone of a former occasion, vetoing the Union Jack among the rest from using its cheering influence to animate electioneering struggles."

14. The debate was reported in : BRITISH COLONIST, 1 September 1841. There is a commentary upon the issue in : EXAMINER, 1 September 1841.

15. BRITISH COLONIST, 1 September 1841.

16. IBID.

17. IBID.

18. IBID.

19. IBID.

20. IBID.

21. IBID.

22. IBID.

23. IBID.

24. IBID.

25. LE CANADIEN, 30 August 1841.

26. BRITISH COLONIST, 1 September 1841.

**Thursday, 26 August 1841.**

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- Petitions brought up.* The following Petitions were severally brought up, and laid on the table : —
- P. M. Benson. By Mr. Aylwin — The Petition of *P. M. Benson*, Teacher of *Mas-kinongé* in the County of *Saint Maurice*.
- J. Read and others. By Mr. Prince — The Petition of *James Read*, and others, free-holders of the *Western District*.
- J. Bolduc. By the Honourable Mr. Viger — The Petition of *Joseph Bolduc*, of the City of *Quebec*.
- H. Graham & others. By Mr. Cameron — The Petition of *H. Graham*, and others, of the *Bathurst District*.
- Petitions read.* Pursuant to the Order of the day, the following Petitions were read :
- Of J. Millar & others. Of *John Millar*, and others, inhabitants of *Saint Scholastique*, County of *The Lake of Two Mountains*, praying that an adequate provision may be made for the support of Teachers of Schools.
- Of A. Timins and others. Of *Andrew Timins*, and others, inhabitants of the Seignory of *Argenteuil*, praying that adequate provision may be made for the support of Teachers of Schools.
- Of A. Campbell, sen. and others. Of *Archibald Campbell*, Senior, and others, of the Townships of *Grenville* and *Harrington*, County of *The Lake of Two Mountains*, praying that adequate provision may be made for the support of Teachers of Schools.
- Of J. Young and others. Of *James Young*, and others, inhabitants of *Grenville*, County of *The Lake of Two Mountains*, praying that adequate provision may be made for the support of Teachers of Schools.
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- Of A. Campbell, junr. and others. Of *Archibald Campbell*, Junior, and others, inhabitants of the Township of *Grenville*, County of *The Lake of Two Mountains*, praying that adequate provision may be made for the support of Teachers of Schools.
- Of Rev. A. Mann and others. Of the Reverend *Alexander Mann*, and others, of the Townships of *Fitzroy* and *Torbolton*, praying that the Scriptures may be used as a class book in Schools and Seminaries.
- Of F. Talfourde and others. Of *Froome Talfourde*, and others, inhabitants of the *Northern Division* of the County of *Kent*, praying that the said County may be formed into a new District.
- Of J. & A. MacNab. Of *John MacNab* and *Angus MacNab*, Executors of the Estate of the late *Duncan MacNab*, praying, as such Executors, that they may be fully remunerated for erecting a Bridge over the *Madawaska River*, according to contract.
- Of W. Coates. Of *William Coates*, Clerk in the House of Assembly of the late Province of *Upper Canada*, praying that the sum of £64 10s. may be granted him, to make his allowance for last year, £200.
- Petitions referred.*
- Of R. Defries & others, to Committee on Contingencies. *Ordered* — That the Petition of *Robert Defries*, and others, Messengers and Servants of the late House of Assembly of *Upper Canada*, presented to the House on the 20th instant, be referred to the Special Committee on the Contingent Accounts and Expenses of the present Session.



On motion of the Honourable Mr. *Dunn*, seconded by Captain *Steele*,

Of J. S. Baldwin and others, to select Com.

*Resolved* — That the Petition of *J. S. Baldwin*, and others, citizens of *Toronto*, presented to the House on the 23d instant, be referred to a Select Committee, composed of Sir *Allan MacNab*, Mr. *Price*, Mr. *Small*, Mr. *Morin*, Mr. *Parent*, and Mr. *Taschereau*, to examine the contents thereof, and report thereon with all convenient speed, with power to send for persons, papers and records.

Of Millar and others.

A. Timins and others,  
A. Campbell and others,  
J. Young and others, and  
A. Campbell, junr. and others,  
to Committee on Common Schools.

*Ordered* — That the petitions of *John Millar* and others, inhabitants of *St. Scholastique*, County of *The Lake of Two Mountains*, of *Andrew Timins*, and others, inhabitants of the Seignory of *Argenteuil*, of *Archibald Campbell* Senior, and others of the Townships of *Grenville* and *Harrington*, County of *The Lake of Two Mountains*, of *James Young*, and others, inhabitants of *Grenville*, County of *The Lake of Two Mountains*, and of *Archibald Campbell*, Junior, and others, inhabitants of the Township of *Grenville*, County of *The Lake of Two Mountains*; be referred to the select Committee to which was referred the Bill, to repeal certain Acts therein mentioned, and to make provision for the establishment and maintenance of Common Schools throughout this Province, and other references.

On motion of Mr. *Cameron*, seconded by Mr. *Chesley*,

Of J. & A. MacNab, to Select Committee.

*Resolved* — That the Petition of *John MacNab* and *Angus MacNab*, executors of the estate of the late *Duncan MacNab*, be referred to a select Committee, composed of Mr. *Hincks* and Mr. *Durand*, to examine the contents thereof, and to report thereon with all convenient speed, by Bill, or otherwise, with power to send for persons, papers, and records.

Of F. Talfourde and others, to committee on Petition of H. Keating and others.

*Ordered* — That the Petition of *Froome Talfourde*, and others, inhabitants of the *Northern* division of the County of *Kent*, be referred to the select Committee to which was referred the Petition of *Horace Keating*, and others.

Committee on Petition of Montreal Board of Trade, respecting Channel of Lake St. Peter, report.

The Honourable Mr. *Moffatt*, from the select Committee, to which was referred the Petition of the Board of Trade of *Montreal*, praying for a grant of money to improve the channel in Lake *St Peter*, presented to the House the report of the said Committee, which was again read at the Clerk's table,

For said Report See Appendix, (D.D.)

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Report referred to Committee of whole on Public Improvements.

*Ordered* — That the said Report be referred to the Committee of the whole House, to take into consideration the message of His Excellency the Governor General, relative to public improvements, together with the documents accompanying the same.

Report to be printed.

*Ordered* — That the said Report be printed, for the use of the Members of the House.

Committee on prices of transporting produce present 2nd report.

Mr. *Merritt*, from the select Committee, appointed to examine into the prices paid, and the methods adopted, for the transit of produce, on the different communications within this Province; and to whom was referred the message of His Excellency the Governor General, in answer to the address of the House of the 14th of *July* last, on the subject of an address of the House of Assembly of *Upper Canada*, relating to the introduction of the products of the Province into the Ports of *Great Britain*, free of any duty; — with an instruction to take into consideration all matters relating to the agriculture and commerce of this Province, and power to report from time to time, presented to the House the second report of the said Committee, which was again read at the Clerk's table.

For the said Report See Appendix, (E. E.)

Report referred to Committee of whole on Public Improvements.

*Ordered* — That the said Report be referred to the Committee of the whole House, to take into consideration the message of His Excellency the Governor General, relative to public improvements, together with the documents accompanying the same.

200 copies to be printed.

*Ordered* — That 200 copies of the said Report be printed, for the use of the Members of this House.

Committee on Petition of Mr. McGillivray and others, report Bill to authorize conveyance for lot of Land in Lochiel.

Mr. J. S. MacDonald, from the select Committee to which was referred the Petition of *Malcolm McGillivray*, and others, Trustees of the *Presbyterian* Congregation of the Township of *Lochiel*, in the Eastern *District*, with power to Report by Bill or otherwise, presented to the House a Bill to empower certain Trustees therein mentioned, to convey a portion of a certain lot of land in the Township of *Lochiel*, in the Eastern *District*, to the Reverend *John McIsaac*, which was received, and read for the first time.

*Ordered* — That the said Bill be read a second time on *Monday* next.

Leave of absence to Mr. Chesley.

*Ordered* — That Mr. *Chesley*, have leave to absent himself from this House, for the period of one week, from *Monday* next.

Bill for a French translation of Laws brought in.

*Ordered* — That Mr. *Parent*, have leave to bring in a Bill, to provide for the translation into the *French* language of the Laws of this Province, and for other purposes therein mentioned.

He accordingly presented the said Bill, to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time on *Monday* next.

Bill to increase stock of City Bank of Montreal brought in.

*Ordered* — That Mr. *Dunscorn*, have leave to bring in a Bill to extend the charter of the City Bank of *Montreal*, and to increase its Capital Stock.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time, on *Friday*, the 3rd of *September* next.

Bill to extend charter of Montreal Bank brought in.

*Ordered* — That Mr. *Holmes*, have leave to bring in a Bill to extend the charter of the Bank of *Montreal*, and to increase its Capital Stock.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time on *Tuesday* next.

Bill to extend charter of Quebec Bank brought in.

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*Ordered* — That Mr. *Black*, have leave to bring in a Bill to extend the charter of the *Quebec* Bank.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time on *Friday*, the 3rd *September* next.

On motion of Mr. *Baldwin*, seconded by Mr. *Barthe*,

Committee appointed to consider means of enabling lawyers to practise in both sections of Province.

*Resolved* — That it be referred to a Select Committee, to consider of the best means of putting the profession of the Law in all its branches, upon the same footing in both Sections of this Province, and for providing that those admitted to the practice of any branch of the profession in one Section, be admitted to the practice of the same branch in the other Section thereof; and that Mr. *Cameron* and Mr. *Prince*, and all the gentlemen of the long robe, who are members of this House, be of the said Committee.

Address to His Excellency for statements respecting Jesuits' Estates, ordered.

On motion of Mr. *Aylwin*, seconded by Mr. *Christie*,

*Resolved* — That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a detailed statement of the Expenditure, by Her Majesty's Government, of all moneys, out of the Public Chest of the Province of *Lower Canada*, and which came into the Receiver General's hands as rents, issues and profits, of the Estates appertaining to the late Order of *Jesuits*, for the last five years; and praying for a statement of the authority under which such expenditure was made.

*Ordered* — That the said Address be presented to His Excellency by such members of this House, as are of the Honourable the Executive Council of this Province.

Bill to increase stock of Commercial Bank brought in.

*Ordered* — That Mr. *Cartwright* have leave to bring in a Bill, to increase the Capital Stock of the Commercial Bank of the *Midland District*.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time, on *Tuesday* next.

Bill to increase stock of Upper Canada Bank brought in.

*Ordered* — That Mr. *Hincks* have leave to bring in a Bill, to increase the Capital Stock of the Bank of *Upper Canada*.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time, on *Tuesday* next.

Address to His Excellency for copy of Commission of Coll. of Customs, Coteau du Lac.

On motion of Mr. *Aylwin*, seconded by Mr. *Parent*,

*Resolved* — That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a copy of the Commission of the present incumbent of the Office of Collector of Customs at the *Coteau du Lac*; and information as to the day of his acceptance of such office by the said Incumbent.

*Ordered* — That the said Address be presented to His Excellency by such members of this House, as are of the Honourable the Executive Council of this Province.

House in Committee on Message on Public Improvements.

The Order of the day, for the House in Committee to take into consideration the Message of His Excellency the Governor General, relative to Public Improvements, together with the documents accompanying the same, and other references, being read,

The House accordingly resolved itself into the said Committee.

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Mr. *D. McDonald* took the chair of the Committee,<sup>2</sup>

In laying certain resolutions on the table connected with this important subject for the consideration of the house, the hon. Secretary **Mr. Harrison** commented upon the necessity of our being able to exhibit such a revenue as would afford a conviction of our being able to meet any engagements that we might enter into. What outlay it was expedient to incur would be decided by the house. If the *St. Lawrence* *was* to be included in the estimates that had been made, so much greater *would* be the necessity of establishing a Bank of Issue, which together with the additional revenue raised by increasing the custom duties, would enable the government to carry its intentions into effect. Among other expedients the hon. Secretary proposed an additional duty on salt, and 2½ per cent. on British manufactures.<sup>3</sup>

**Mr. Merritt** contrasted the large public works that had been carried into effect in the States, and the great profit which they had yielded, in addition to the impetus and facilities given to trade with those undertaken by us which he affirmed had been impeded by Exe-



cutive interference. The St. Lawrence Canal appeared to be regarded by the hon. member as deserving of consideration in preference to all others, and although enormous the amount required to render the navigation of that magnificent river effective, the tolls he affirmed would in a short period pay both debt and interest contracted by such an undertaking. In accordance with this and other views the hon. member then submitted for the consideration of the committee a series of resolutions to be discussed in conjunction with those that had been framed by the member for Kingston.<sup>4</sup>

1. *Resolved*, That the great Lakes of Canada, and the River St. Lawrence, form the natural outlet to the Ocean for the Countries situated on their waters, and afford great advantages for Commercial communications with distant Countries.

2. *Resolved*, That the improvement of these advantages by means of Canals sufficient to admit of a free and cheap Commercial communication throughout, is essential to the growth and prosperity of the Countries situated on the said waters, and will justify the necessary expenditure, and afford a reasonable prospect of an income sufficient to maintain the said communication and reimburse that expenditure.

3. *Resolved*, That according to the Estimate in the Report of the President of the Board of Works, it will require to complete the Canal from the

Longue Sault (sic) to Coteau du Lac, .....	£ 55,670
Thence to Lachine 67½ miles, .....	255,900
Making in all the sum of .....	£ 313,570

4. *Resolved*, That the completion of this Canal would confer the greatest advantages on the greatest number of the inhabitants of Canada, and would be mutually beneficial to all; and it is therefore the opinion (sic) of this House that a loan of £500,000 be authorised to be raised by Debentures payable in twenty years, and bearing an interest not exceeding five per cent per annum, payable half-yearly in London.

((5.)) *Resolved*, That for the purpose of securing the payment of the interest, and creating a sinking fund for the gradual liquidation of the principal, there be levied and collected on all Dry Goods imported within this Province, in addition to what is already imposed by Law, two and half per cent ad valorem.

6. *Resolved*, That so soon as the net income from the Toll collected on the Lachine and St. Lawrence Canals, meet the interest on the amount borrowed for their construction, and provides £10,000 per year, for the liquidation of the principal, the Duty shall cease, and the payment of interest and liquidation of the debt, shall thereafter be borne out of the income of the Canals only.

7. *Resolved*, That the Debentures issued from time to time, and the Loans negotiated for the construction of this work, shall be applied for no other purpose; and that a separate account of the receipts and expenditures of the same shall be laid before the Legislature within the first ten days after the opening of each successive Session.<sup>5</sup>

**Mr. Cameron** rose and said, few gentlemen, (in fact I would say) no honorable member in this house has more respect for the talents or the perseverance of the honorable member for the North Riding of Lincoln than he (Mr. C.,) he had said before, and he would now repeat it, that that hon. gentleman deserved the lasting gratitude of the people of Upper Canada, for his foresight and perseverance in completing the Welland Canal, a work without which our western settlements would have not existed, but he (Mr. C.) was surprised at the course of the hon. gentleman on this occasion, instead of following the speech of the hon. introducer of these resolutions, and speaking to the whole measure, the gentleman with one of those Utopian views peculiar to himself and which he seems not well to have weighed, contradicts the statements of the member ((for)) Kingston, relative to the past mismanagement of our affairs, and iniquities of the former system of Upper Canada, he (Mr. Merritt) "being of opinion that the system was good until the Government in 1837 interfered and prevented the sale of debentures by the Commissioners for the individual work in progress" now he (Mr. C.) would ask the hon. gentleman, what kind of a system it was, that antecedent to 1837, loaned money to individual companies — without security — one shilling of which has never been repaid; who managed the system that loaned the money to the Desjardins Canal? — to the Cobourg Harbour Company? — to the Oakville Harbour? and many similar works — who managed the system that built up (by a system of local jobbing and interested commissioners) one part and one interest of the Country to the entire exclusion of the other? — I say sir, it was no system it was a jobbing in the House of Assembly which involved us in debt, prevented our improvements, and dissatisfied the people — and for these reasons, he (Mr. C.) strenuously advocated an uniform system by the Constitution of a Board of

Works, who shall be responsible to the House for the outlay of the money, the estimates, the description of the work and their completion. But he would leave the hon. gentleman to take care of the local interest of *any part of the country* (to use his own words) whose local interest seems to absorb his energies — and would briefly run over the scheme submitted to the house. — The Governor General in his opening speech, alluded to the possibility of our obtaining a loan in England of one and a half million of money at three and a half per cent, the idea was scouted by hon. members of this house; by many gentlemen out of doors, it was treated as a “*ruse de guerre*,” but sir, the Country had confidence in the Executive Government, and this house sustained that government on the faith of this and other pledges, and the expectations of the Country was (sic) greatly raised on this subject, the people are anxiously looking for this measure and expect it to be one by which the greatest though most neglected interest (the agriculturist’s will be protected and promoted,) and upon this ground separately (sic), and as a whole he would support it. — The first item mentioned in the resolutions and which he expected would have reconciled the hon. gentleman from Lincoln to the whole measure, is more than half the whole sum for the improvement of the Welland Canal — he (Mr. C.) was in favor of this because it afforded a cheap means of transport for the immense agricultural products of the Niagara, Simcoe, London, Western, and Huron Districts, because it enhances the value of all our Western lands, and because it must be the chief and main cause of making Montreal the greatest shipping port on this continent — he, (Mr. C.) held that the interest of Lower Canada was better advanced and conserved by this expenditure than by any roads which can be made within that province. — The improvement of Lake St. Peter was another object of primary importance and he found no fault that it was within the heretofore province of Lower Canada, because by this, Upper Canada interest will be protected, and secured, and particularly the lumber interest, the timber and staves will by this means be to a great extent sold at Montreal and so saved a risk of mostly fifty per cent independant (sic) of the expense of going down. — The improvement of the Richelieu will induce emigration to the townships, will increase the revenue of a large increase of trade from Lake Champlain and the United States. — The expenditure for the improvement of the Ottawa had greatly disappointed his expectation, for after the amount is deducted for the Union Bridge, probably about £10,000 the balance is just the amount of one year’s revenue for the timber cut on the Ottawa lands — but, although this important region of country is yielding a greater revenue than any other district — supplying the greatest, most valuable and important article of export of the whole province, embracing a greater extent of country than the River St. Lawrence upon which, and its tributaries upwards of £1,400,000 is to be expended, yet he (Mr. C.) said he would not throw obstacles in the way of this magnificent scheme, on the part of his constituents, those who have hitherto never received any aid, loan, or notice, those step children of a careless government, but he would accept this trifle, and as an evidence of a better system about to be adopted, he would accept it, because it would cause Surveyors and Engineers to go into that country and then he felt assured its importance, its internal resources, and capabilities would force themselves for future and more worthy notice upon the government and the country. The next proposition was the inland waters of the Newcastle District, a noble country and worthy of our attention, and although that District has had a large grant of money which on account of the vicious system adopted, he had opposed, yet knowing as he did the extensive groves of oak and other valuable timber in that district, the extent of agricultural interests that would be secured by this expenditure upon a moderate and judicious system, he could not refuse it, and expected that every member of this house would advocate it. Next is the Burlington Bay Canal, an outlet from a bay and basin, which is destined to be the depot of a greater amount of agricultural products than any one point in the western part of America, (not even excepting the Miamet Bay,) a country unsurpassed for extent, beauty, and fertility, the products of the Gore and London Districts, and the Western trade which will be induced to this point by important internal communication are beyond calculation, and sir, that work at present is nearly in ruins and the revenue decreasing, yet all this attracts no notice from the hon. gentleman from Lincoln. — No, no, its (sic) off the track of his local interests, and the deputy from Welnd cares not for it. The next subject noticed is the harbour and light houses on Lake Erie; an immense interest tributary to the Welland and St. Lawrence. — Is it not a disgrace to Canada that while the Americans have 60 Steam Boats on the Upper Lakes, we have not one — and how can we have boats, while on the coast of a Lake 300 miles long, we have not a single safe harbour. — Can it be credited that port Stanly, port Burwell, and the Cat Fish and the round O are entirely unnoticed and either untouched, or what has been done is fast going to ruin; and that the only outlet for Simcoe, London,



and part of the western district is in such a state that even Schooners can not get in — in such a state that last year's wheat crop is not yet all out from these ports. I trust the hon. gentleman from Lincoln will turn his attention somewhat to the necessities of our own farmers, — and let his Mills and his American trade avail themselves of the St. Lawrence and the Rideau in their present state; till the improvement of such internal works as this, shall command such a trade as will show the necessity of their improvement and warrant the expenditure. The next subject is the great provincial high way from Quebec to the far west; this proposition was made 20 years ago by the then Attorney General, the present Chief Justice, a man whose foresight and great abilities all will allow, and which no circumstance has proved more clearly than the one to which he now alluded the road from the Cascades to Coteau-du-lac and other sections of the route are of important necessity; why Sir, is it almost incredible that in 1841 after nearly one million has been expended on the St. Lawrence that the public highway from Hamilton to Brantford at two seasons of the year is nearly impossible, this very season he (Mr. C.) was there travelling *one mile an hour*, and what is the consequence to the Upper Canadian agriculturalist, why Sir, that wheat is worth about a shilling less at London than at Hamilton. But, Sir, to conclude the notice of these Works it is only necessary to say; that I hold that the improvement of the great artery of communication to the Ocean — great and important as I consider it, is second to the opening up of the interior communications through the country — the leading highways, to bring the produce of the Province to the frontier, and after that is done, I will go as far as any other hon. gentleman, to expedite the transportation of American produce thro' the country. The next Resolution is the scheme of leaving to the exertion of certain individuals deeply interested, the weight and responsibility of borrowing, at a low rate of interest, the amount necessary to improve the St. Lawrence; and I think in the present state of our finance we should embrace every means of obtaining money on the most (sic) advantageous terms, for I feel assured that we cannot do more than pay the interest on the million and a half at 3½ per cent. The next Resolution is the project for a Bank of Issue; and I feel bold to assert, that were we free from the influence of Banks and Bank Directors, this project would meet with as hearty and entire a concurrence as the most favorite scheme of public improvements — and why Sir am I thus sanguine? because a single Bank of Issue gives public safety — secure an uniform currency, so that a Dollar Bill will always be of equal value from Kamouraska to Lake Huron; because it will secure the public against the failure of Banks — guaranteeing every Bill in circulation with the full security of the Government — and because I think it the best means of guarding against over issues and sudden contractions; and because it is a self-evident fact, that it will produce a very considerable revenue to the Province; and from the undoubted prerogative of the Crown, the right of coinage, enable the people to pay the interest of their Public Debt. I have drawn my conclusions from the writing of the latest and best writers on political economy, and the history of Banking in the United States; and I warn hon. members, that should they refuse this great public advantage — that they must give some better reason to their constituents (who are not Bankers nor Bank Stockholders) than the only one I have yet heard against it, namely, that it will lessen the profits of Bankers!! for refusing forty thousand pounds a year. But Sir, there are many in this House who understand this matter much better than I do, and I shall leave this part of the subject to them. The last thing to notice is the immense saving to the revenue by the loan of one and a half million; for which we are to pay 3½ per cent.; by this plan we will pay £52,500 — we pay our debt, £1,200,000, now bearing interest about 6 per cent. — £72,000 a year — and leave still not only £300,000 for public improvements but also a nett (sic) gain of £20,000 a year interest. With respect to duties on imports, I feel that the revenue from this source may be greatly augmented — first by an improved system of collecting these duties — by having a fixed instead of an ad valorem (sic) duty (evaded daily by false invoices); and lastly, which the introducer of the Resolutions said little about — the immediate impost of a duty on all articles imported from the United States for consumption within this Province, particularly *Flour, Pork, Wheat, and all descriptions of Live Stock*. And I do trust that the hopes of the people of this country will not be crushed by the prorogation of this House, without something having been done on this subject. From what I know of the state of the revenue, I would state that there can be no difficulty whatever in our paying the interest of 3 millions without direct taxation. But, Sir, having trespassed so long on the time of the Committee, I shall conclude by pressing upon the House the propriety of taking this measure as a whole. True it is, that the hon. gentleman who has charge of this measure, and I doubt not the whole Government, could they speak unanimously on this subject, are not anxious on this occasion for *the Bill the whole Bill, and nothing but the Bill*; no Sir, the less we take of



this Bill the better for them, the less responsibility they assume. No Sir, it is not the whole bill with them this time, — but let it be so with us — let the united cry of the representatives of the people be *the Bill, the whole Bill, and nothing but the Bill*. Let us afford the Government every facility they require, and let us throw the responsibility and the onus of fulfilling this pledge upon them — and let us demand that they carry out their views and their improvements in themselves — let us I say demand its fulfilment and so unite our own interest, enrich all classes of our people, and unite more closely and firmly then (sic) ever, the Government and money lenders of England to this valuable Colony.<sup>6</sup>

**Dr. Dunlop** spoke at some length upon the advantages to be obtained by Liverpool salt being substituted for that at present in use in the colony; the superiority of it being so great, as to insure in case of a universal preference being given to it, an immense increase in our provision trade and consequently a great addition to the revenue. With this view and considering to what extent it was used by the poor, he deprecated too heavy a duty being levied upon it, 1d. per bushel according to the hon. member's estimate being upwards of 33 per cent. upon the article.<sup>7</sup>

**Mr. Johnston** was opposed to the Bank scheme, and not in very good temper with the estimate laid down for the improvement of the Ottawa (£28,000) which he affirmed was only one year's (sic) revenue of the lumber trade connected with it.<sup>8</sup>

**Mr. Moffatt** coincided with Mr. Merritt as to the importance of the St. Lawrence navigation. With respect to the third resolution, he thought there would be no difference of opinion, every one being anxious to reduce the rate of interest as much as possible. To the Bank of Issue he was personally favorable, considering it a mode of security that would create general confidence. In the present state of feeling however, he would suggest the propriety of reserving this part of the measure for the next session, otherwise it might be productive of much harassing hostility to the government. Salt in point of revenue, he regarded as of the utmost importance, and the less the duty on it the better. Speaking in general terms of the great advantages to be derived from the increased facilities of communication, the hon. member observed that in a ratio to those facilities would be our trade, which was narrowly limited for want of channels, the defective state of the Rideau Canal last year, serving alone to exemplify this, upwards of £20,000 being sacrificed on this account by the loss arising from the exposure of produce in the quays of Kingston.<sup>9</sup>

**Mr. Cartwright** followed at some length.<sup>10</sup> ((He)) spoke on the Resolutions, but said little on the Bank of Issue project.<sup>11</sup>

**Sir Allan MacNab** said this was not and ought not to be a party question, and the Resolutions should have his support.<sup>12</sup>

**Mr. Parke** denounced the St. Lawrence *scheme* (his expression) as a visionary one, and advocated the improvements which had been recommended as generally desired by the community.<sup>13</sup>

**Mr. Durand** pronounced the Bank of Issue a monopoly that would operate injuriously against the farmer, and was of opinion that a bill appertaining to agricultural produce imported into the colony from the States, ought to be introduced as a separate measure.<sup>14</sup>

**Mr. Hincks** concurred with hon. members who had preceded him, in thinking this present subject one of the gravest importance to the country. And he was of opinion with the hon. member for Montreal, (Mr. Moffatt) that no hasty decision should be adopted by the Committee. The proposition of the hon. member for North Lincoln appeared to him very unreasonable. There was no member in the House more desirous than he (Mr. Hincks) to go on with the improvement of the St. Lawrence. The completion of that great work would materially reduce the cost of transport on our produce, and every shilling saved in that way would go into the pockets of the farmers. But while he fully admitted the necessity of completing the St. Lawrence, he was bound not to forget the interests of that portion of our population that was settled in the interior of the country. He (Mr. H.) had the honour to represent a District that was entirely shut out from the navigable waters. And it was essentially necessary that good leading roads should be made, so as to enable the inhabitants of a District thus situated to participate in the expected benefits — so far, therefore, as he (Mr. H.) had been able to form his opinions on the subject, he was inclined, if it should be

determined to go on with improvements at all, to proceed on such a scale as would enable all sections of the Province to participate in them, and this certainly appeared to him to be the principle on which the Government scheme had been passed. His hon. friend from North Lincoln (Mr. Merritt) had alluded to the mistaken policy of the Provincial Government in 1837, which was the means of stopping all our public works. He (Mr. H.) was astonished after all the experience of the last 3 or 4 years to hear such a sentiment avowed. The truth was the government of that day had assented to the scheme of public works with a view of gaining popularity, and had shamefully deluded the people. — No “ways and means” were provided to meet the interest of the debt authorized to be contracted, and he (Mr. H.) would warn the gentlemen on the treasury benches of the consequence of inspiring the hopes of the people that the present scale of improvements would be carried out, unless they were prepared to fulfil their pledges. Had the scale proposed by the 13th Parliament been carried out, not even the Union could have rescued us from inevitable bankruptcy. Again he differed with his hon. friend from North Lincoln (Mr. Merritt) in his objection to Import duties on British manufactures. His hon. friend seemed to think that in order to induce the Imperial Parliament to take off duties on our produce, we should admit home manufactures free of duty. The case was widely different. Our duty was imposed merely to obtain revenue, and would not consume one shilling’s worth less of British manufactures in consequence of the increase of duty. The English duty on our produce, on the contrary, was a protective duty, and ought to be taken off, because as he (Mr. H.) was prepared to prove, the cost of transport on our produce was so great as to prevent all necessity for protection to British Agriculturists. Some observations had been made by hon. gentlemen relative to the Bank of Issue, which was contemplated in the 4th resolution. He (Mr. H.) was decidedly in favour of such a Bank, not merely on account of the revenue which it would yield, but because it would secure a sound currency, not liable to those contractions and expansions to which we are now exposed. It had been stated by the hon. member for Lenox (sic) and Addington that these contractions and expansions have not taken place in this Province, but he (Mr. H.) would refer to the Bank statements as evidence of the correctness of the contrary assertion. He found that in Upper Canada the variations at corresponding periods of different and subsequent years, had been so great as between £666,000 and £444,000 — between £740,000 and £497,000, between £734,000 and £468,000. On reference to the statements in the same year, it would be found that in January, 1839, the circulation was £352,000, in February £666,000, in April £740,000, in August £598,000, and in November £470,000. There could be no doubt that the quantity of money in the market affected the prices of commodities just as much as a surplus of any particular commodity affected its price. To secure a currency as sound and as uniform as possible, he (Mr. H.) thought that there should be but one Bank of issue, whose business would be confined exclusively to the issuing of paper, and prohibited from dealing in exchange, discounting paper, or receiving any deposits but those of the Government. But while he (Mr. H.) did not think the revenue to be derived from the Bank the most important consideration, he could not at the present moment, when we had to consider the “ways and means” of carrying on our stupendous improvements, shut his eyes to the advantage which would be derived by the public if the principle contained in the 4th resolution should be adopted. It was to be recollected that the profits of the Banks were principally derived from circulation. This circulation was in the hands of the public at large, and it was quite clear to him (Mr. H.) that they alone should derive the benefit from it. Hon. gentlemen had asserted that the Banks would lose all their profits if the Bank of Issue were carried into operation. He (Mr. H.) was convinced that Banks were absolutely necessary to the community, and there was no doubt they would always be paid remunerating profits, but these profits should be derived from their customers, and not from the public at large. It was notorious that in England, Banks of discount and deposit alone had been more prosperous than Banks that issued paper, and in several populous districts (Lancashire for instance) the Banks that had issued paper had voluntarily abandoned the privilege. But even if it were thought advisable not to proceed with the Bank of Issue this session, and he (Mr. H.) did not desire any more than the hon. member for the city of Montreal, (Mr. Moffatt) to urge its adoption prematurely, still he (Mr. H.) thought that under present circumstances it would be found absolutely necessary to obtain a revenue from the circulation of Bank notes, and if these institutions would not relinquish their privileges that they should be made to pay for them. Before the Committee rose he (Mr. H.) would implore its attention to the actual position in which we are placed. The scale of improvements contemplated an outlay of £1,700,000. There was no improvement that was thought useless, but many had been suggested by hon. members, not included in the scheme which had emanated from the Government. The question then is — how are the

"ways and means" to be provided; and he (Mr. H.) thought those so strongly opposed to the Bank of Issue ought to have enlightened this Committee as to the "ways and means" which they would propose to raise the revenue to meet the interest of a loan which we all agree it is necessary to raise. As far as he (Mr. H.) understood the question, admitting that £40,000 or £45,000 would be raised by the alteration in the Customs duties there would be at least £20,000 more required. Now he (Mr. H.) would, before he concluded, beg hon. gentlemen to reflect before they sat again on the best mode to raise the additional revenue — for he for one would never consent that any particular improvements, such as the St. Lawrence and Welland Canals, should be proceeded with, to the exclusion of the roads and other internal communications, in which the agricultural population are quite as much interested as in the great water communications. With these remarks he (Mr. H.) would support the motion for the Committee to rise, report progress, and ask leave to sit again to-morrow.<sup>15</sup>

**Mr. Buchanan** followed the honorable member on the contrary side denouncing in strong terms what he appeared to consider an injurious fallacy, calculated to drive capital out of the country, and cripple the energies of trade.<sup>16</sup>

**Mr. Boswell** replied to the member of Toronto....<sup>17</sup>

((**Mr. Buchanan**)) rose in his place, confirming his opinions, as the result of experience not theory.<sup>18</sup>

**Mr. Dunn** ... addressed the House, and we sincerely regret that there was no reporter....<sup>19</sup>

**Messrs. ... Ayiwin, Merritt, Cameron, and Neilson** spoke severally in the debate which progressed for some time after this.<sup>20</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair,

Progress reported.

And **Mr. D. McDonald** reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

*Ordered* — That the said Committee have leave to sit again to-morrow.

Speaker reports letter from His Excellency, stating that His Excellency will come down to the House to-morrow.

Mr. Speaker communicated to the House the following letter: —

CHIEF SECRETARY'S OFFICE, 26TH AUGUST, 1841.

SIR, — I am commanded by the Governor General to inform you, that it is His Excellency's intention to proceed to the Legislative Council Chamber to-morrow, at one o'clock, to assent, in Her Majesty's name, to a Bill passed by the Legislative Council and Assembly.

I have the honor to be,

Sir,

Your most obedient humble servant,

T. W. MURDOCH,

Chief Secretary.

The Honourable  
The Speaker of the  
House of Assembly. }

House in Committee on Bill to amend Act for election of Grand River Navigation Directors.

The Order of the day, for the House in Committee on the Bill to amend the Law regulating the election of Directors of the *Grand River Navigation Company*, being read,

The House accordingly resolved itself into the said Committee.

**Mr. Moore** took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Bill reported without amendment.

And **Mr. Moore** reported that the Committee had gone through the Bill, without making any amendment thereto, and the Report was again read at the Clerk's Table.

Bill to be engrossed.

*Ordered* — That the said Bill be engrossed.



Order for House in Committee on Timber inspection Bill postponed till Wednesday.

House in Committee on Despatch on Emigration.

Resolution reported.

Resolution.

Bill to create an Emigrant fund brought in.

Motion to postpone Orders of day.

Motion to adjourn till 7 P.M.  
Carried.

House in Committee on Welland Canal Stock purchase Bill.

Bill report without amendment.

On motion of Mr. *Cameron*, seconded by Mr. *Roblin*,

*Ordered* — That the Order of the day, for the House in Committee on the Bill to regulate the inspection and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, in the Ports of *Quebec* and *Montreal*, and for other purposes relative to the same, be postponed 'till *Wednesday* next.

The Order of the day, for the House in Committee to take into consideration that part of the Message of His Excellency the Governor General, transmitted to this House on the 14th of *July* last, which relates to the Despatch of Lord *John Russell*, on the subject of Emigration, and the raising of a fund to defray the expense of providing medical attendance for sick emigrants, and of enabling indigent persons of that description to reach their place of destination, and providing for their support until they can procure employment, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Foster* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. *Foster* reported, that the Committee had come to a Resolu-

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tion, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth : —

*Resolved* — That it is expedient that the Legislature should adopt means for rendering available to the Province, the assistance offered by Her Majesty's Government, towards raising a fund to defray the expense of providing medical attendance for sick emigrants, of enabling indigent persons of that description to reach their place of destination, and of providing for their support until they can procure employment ; payable in the manner suggested in the Despatch of Lord *John Russell*, dated 3rd of *May* last, and communicated to this House by His Excellency's Message of the 14th of *July* last.

*Ordered* — That Mr. *Parke* have leave to bring in a Bill, to create a fund for defraying the expense of enabling indigent emigrants to proceed to their place of destination, and of supporting them until they can procure employment.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Tuesday* next.

Mr. *Christie* moved, seconded by the *Honourable* Mr. *Viger*,

That the orders of the day that have not been disposed of, be postponed until to-morrow.

The *Honourable* Mr. *Moffatt* moved, seconded by Mr. *Morris*,

That the House do adjourn until 7 o'clock, P. M., this day.

The question having been put upon the said motion, a division ensued and it was carried in the affirmative.

The House adjourned accordingly, until 7 o'clock, P. M., this day,

7 o'clock P. M.

The Order of the day, for the House in Committee on the Bill to authorise the stock held by private parties in the *Welland* Canal to be purchased on behalf of the Province, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Taché*, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. *Taché*, reported that the Committee had gone through the Bill, without making any amendment thereto, which he was directed to

report to the House whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

House in Committee  
on U. C. District  
Courts Bill.

The Order of the day, for the House in Committee on the Bill to alter and amend the laws now in force in that part of this Province formerly *Upper Canada*, regulating the District Courts, being read.

The House accordingly resolved itself into the said Committee.

Mr. *Taschereau*, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Bill reported  
amended.

And Mr. *Taschereau*, reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

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House in Committee  
on periodical census  
Bill.

The Order of the day, for the House in Committee on the Bill to repeal certain parts of an Act therein mentioned, and to provide for taking a periodical census of the inhabitants of this Province, and for obtaining the other statistical information therein mentioned; being read,

The House accordingly resolved itself into the said Committee.

Mr. *Simpson*, took the chair of the Committee.

Several Members having retired,

Mr. Speaker resumed the chair,

The names of the Members present were taken down, as followeth : —

MR. SPEAKER,

No Quorum.

Mr. *Boswell*, Mr. Solicitor General *Day*, Mr. Attorney General *Draper*, Mr. *Duncomb*, Mr. *Durand*, Mr. *Foster*, Mr. *Gilchrist*, Mr. *Hale*, Mr. *Hincks*, Mr. *J. S. MacDonald*, Mr. *Powell*, Mr. *Quesnel*, Mr. *Raymond*, Mr. *Simpson*, and the Honourable Mr. *Viger*.

And at a quarter past 9 o'clock, at night, Mr. Speaker adjourned the House, for want of a quorum.

Footnotes — 26 August 1841.

1. "The Assembly began at ten in the morning, and sat steadily till six, when they got an hour's respite, and at seven punctually, they returned to their labour and continued till near ten." MONTREAL GAZETTE, 31 August 1841.

2. The debate which occurred was reported by : KINGSTON CHRONICLE, 28 August 1841 ; BRITISH COLONIST, 1 September 1841 ; EXAMINER, 1 September 1841, copied from KINGSTON CHRONICLE, 28 August 1841 ; MONTREAL GAZETTE, 28 August 1841, and LE CANADIEN, 1 September 1841, both of which contain Merritt's Resolutions ; MONTREAL GAZETTE, 30 August 1841, reports the debate in detail ; MONTREAL GAZETTE, 31 August 1841, and LE CANADIEN, 30 August 1841, both briefly mention the debate as well.

3. BRITISH COLONIST, 1 September 1841.

4. IBID.

5. MONTREAL GAZETTE, 1 September 1841.

6. KINGSTON CHRONICLE, 28 August 1841.

7. BRITISH COLONIST, 1 September 1841.

8. IBID.

9. IBID.

10. KINGSTON CHRONICLE, 28 August 1841.

11. MONTREAL GAZETTE, 30 August 1841.

12. KINGSTON CHRONICLE, 28 August 1841.

13. BRITISH COLONIST, 1 September 1841.

14. IBID.

15. KINGSTON CHRONICLE, 28 August 1841.

16. BRITISH COLONIST, 1 September 1841.

17. IBID.

18. IBID.

19. KINGSTON CHRONICLE, 28 August 1841.

20. BRITISH COLONIST, 1 September 1841. A Mr. Walker was also reported as having spoken just before Aylwin but in 1841 there was no such member in the Assembly and there is no clue in the COLONIST as to his real identity.

## Friday, 27 August 1841.

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### *Petition brought up.*

E. O'Donnell and others.

The following Petition was brought up and laid on the Table : —  
By Mr. *Buchanan* — The Petition of *Edward O'Donnell*, and others, inhabitants of the City of *Toronto*.

### *Petitions read.*

Of Rev. H. Urquhart and others.

Pursuant to the Order of the day, the following Petitions were read :

Of the Reverend *Hugh Urquhart*, and Elders of *St. John's Church, Cornwall*, praying that the Holy Scriptures may be used in all Schools in this Province receiving Public Grants.

Of M. Kelly and others.

Of *Michael Kelly*, and others, inhabitants of the Townships of *Roxborough* and *Finch*, praying that a sum of money may be granted for finishing the road from *Cornwall* to *Roxborough*.

Of A. McDonnell.

Of *Allan McDonnell*, of *St. Andrews*, Township of *Cornwall*, stating that his son, *Alexander McDonnell*, who was the only support of himself and family, died of hardships undergone in Her Majesty's service during the late Rebellion in *Lower Canada*, and praying relief.

Of Amos West.

Of *Amos West*, of the Township of *West Gwillimbury* praying, that a road may be changed which passes through his land.

### *Petitions referred.*

Of L. Lyman, to Committee of whole on Public Improvements.

*Ordered* — That the Petition of *Lewis Lyman*, Commissioner of the *North American Colonial Association of Ireland*, and others, inhabitants of the County of *Beauharnois*, presented to the House on the 25th instant, be referred to the Committee of the whole House to take into consideration the Message of His Excellency the Governor in General, relative to Public Improvements, together with the documents accompanying the same, and other references.

Of A. West to select Committee.

On motion of Sir *Allan MacNab*, seconded by Mr. *Harmanus Smith*,  
*Resolved* — That the Petition of *Amos West*, of the Township of *West Gwillimbury*, be referred to a Select Committee, composed of Captain *Steel* and Mr. *Roblin*, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise, with power to send for persons, papers and records.

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Bill to increase stock of Gore Bank brought in.

*Ordered* — That Mr. *Thompson* have leave to bring in a Bill to amend the Charter, and increase the Capital Stock, of the *Gore Bank*.  
He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time on *Tuesday* next.

House to meet at 10 to-morrow.

*Ordered* — That when this House doth adjourn, it will adjourn until to-morrow, at 10 o'clock, A. M.

Amendments to Dalhousie loan Bill to be taken up to-morrow.

On motion of Mr. *Derbshire*, seconded by Captain *Steele*,  
*Ordered* — That the amendments made by the Legislative Council to the Bill entitled "*An Act to authorize further Loan to complete the building of the Court House and Gaol for the intended District of 'Dalhousie,'*" be taken into consideration on to-morrow.



Committee on Curren-  
cy and Banking pre-  
sent final Report.

Mr. *Hincks*, from the Consolidated Committee on Currency and Banking, with power to report from time to time, presented to the House the final Report of the said Committee, accompanied by an Address to Her Majesty, which were again read at the Clerk's table.

For the said Report, see Appendix (O.)

The Address is as followeth : —

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN,

Address accompanying  
Report.

We, Your Majesty's most dutiful and loyal subjects, the Legislative Assembly of *Canada* in Provincial Parliament assembled, beg leave most humbly to bring under the notice of Your Majesty a subject of the gravest importance to Your Majesty's faithful subjects in this Province. During the course of the present Session of Parliament we have learned with deep concern, that Your Majesty has been advised to grant a Royal Charter to a Company in the City of London, associated together for Banking purposes in the *British North American Colonies*, under the name and style of "The Bank of *British North America*," — which Charter, besides conferring other privileges, authorises the said Company to issue Bank Notes within this Province.

It becomes our solemn and bounden duty, on behalf of the people of *Canada*, whose Representatives we are, to protest against such an interference with their constitutional rights.

We beg leave most humbly to represent to Your Majesty, that the Statute of the Imperial Parliament, by virtue of which we are now assembled, was intended to confer upon the people of *Canada* the power of managing their own local affairs; and we had ventured to hope, from the tenor of the recent Despatches from Your Majesty's Secretary of State for the Colonies to Your Majesty's Representative in this Province, that non-interference in those affairs would be the principle on which your Majesty's Councils would thenceforth be governed, in reference to the affairs of this Colony.

We are unwilling to weaken the force of our present remonstrance, by pointing out to Your Majesty the inconvenience to which the Provincial Legislature may be exposed, and the loss which may be suffered by the inhabitants of this Province, owing to the exercise of the Royal Prerogative in this instance.

We respectfully and humbly pray Your Majesty's favorable consideration to this Address, believing that the constitutional rights of the Provincial Legislature, to control and manage the internal affairs of the Province, is a principle, to the maintenance of which the people of this important Colony are irrevocably pledged.

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We beg to renew our assurance of entire devotion to Your Majesty's Person and Government.

*Ordered* — That the said report and address be referred to a Committee of the whole House, on *Friday* next.

*Ordered* — That the said report and address be printed for the use of the members of this House.

Report and Address  
referred to Committee  
of whole on Friday.  
And ordered to be  
printed.

Committee on Anato-  
mical School Bill  
report Bill amended.

Mr. *Simpson*, from the Special Committee, to which was referred the Bill for the establishment of Anatomical Schools, and for the encouragement of Anatomical Sciences, reported that the Committee had gone through the Bill, and made several amendments thereto, which amendments were again read at the Clerk's table.

*Ordered* — That the said Bill and report be referred to a Committee of the whole House on *Friday* next.

Bill referred to Com.  
of whole on Friday.

Motion for Address to His Excellency for copy of correspondence on the Union.

Mr. *Aylwin* moved, seconded by Mr. *Parent*,

That an humble address be presented to His Excellency the Governor General praying that His Excellency will be pleased to cause to be laid before this House, copies of all Despatches, Communications and Correspondence, between the Imperial Government and the Provincial Government, in relation to the union of the Provinces of *Lower* and *Upper Canada*.

Motion lost.

The question having been put upon the said motion, a division ensued, and it passed in the negative.

Chairman of Committee of whole on Welland Canal Stock Bill reports the Bill.

Mr. *Taché*, from the Committee of the whole House on the Bill, to authorise the stock held by private parties in the *Welland* Canal to be purchased on behalf of the Province, reported according to order, the Bill, without any amendment, and the report was again read at the Clerk's table.

Bill to be engrossed.

*Ordered* — That the said Bill be engrossed.

Chairman of Committee of whole on U.C. District Courts Bill, reports Bill with amendments.

Mr. *Taschereau*, from the Committee of the whole House, on the Bill to alter and amend the Laws now in force in that part of this Province formerly *Upper Canada*, regulating the District Courts, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

*Ordered* — That the said Bill as amended, be engrossed.

Bill to be engrossed. Bill to extend certain privileges to *Haldimand* & *Simcoe* Districts, read 2nd time.

A Bill to extend to the Counties of *Haldimand* and *Simcoe*, respectively, certain privileges which they could not otherwise enjoy until they should finally be constituted districts, was according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Friday* next.

House in Committee on Periodical Census Bill.

The order of the day, for the House in Committee on the Bill to repeal certain parts of an Act therein mentioned, and to provide for taking a periodical census of the Inhabitants of this Province, and for obtaining the other statistical information therein mentioned, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Simpson* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Bill reported amended.

And Mr. *Simpson* reported, that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

*Ordered* — That the report be received to-morrow.

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Order for House in Committee on Bill to abolish Imprisonment for Debt postponed.

The Order of the day, for the House in Committee on the Bill to abolish imprisonment for debt, in *Canada West*, except in certain cases, being read,

*Ordered* — That the said Order of the day be postponed, until *Wednesday* next.

At the suggestion of Mr. *Aylwin*, and with the concurrence of the house, the debate on "public improvements," although the renewal of it, had been fixed for this day, was subjected to the same delay.<sup>1</sup>

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Amendments of Legislative Council to Canada Fire Assurance Co. Bill taken up.

The Order of the day, for the taking into consideration the amendments made by the Legislative Council, to the Bill intituled "*An Act for incorporating the Canada Fire Assurance Company*" being read,

The House proceeded accordingly to take the said amendments into consideration.

Amendments.

And the said Amendments were read, and are as followeth :

Press 2, Line 2 — After “eighty” insert “unless this Act shall be, in the mean time, repealed by this Legislature.”

Press 2, Line 14 — After “hold” strike out all the words to “Corporation” in the 15th line, inclusive, and insert in lieu thereof “hypothèque upon real estate.”

Press 2, Line 28 — Leave out “Bank Stock” and insert “the stock of any incorporated Bank.”

Press 2, Line 34 — After “stockholders” insert “and by a majority of the votes given at such meeting, as hereinafter provided.”

Press 2, Line 40 — Strike out from “Provided” to the word “Provided” in the 44th line, inclusive, and insert “and may, by such majority as aforesaid, elect and choose such directors and other officers, and vest in them such powers as to such majority shall seem meet and right for the purposes aforesaid ; but the Directors appointed, or to be appointed, before any such general meeting, shall be held to remain in office until Directors shall be elected at some general meeting, and such By-laws, Ordinances and Regulations, shall be made by the Directors already appointed, or who may hereafter be appointed, and shall be submitted to the Stockholders of the said Corporation, for their approval and confirmation, at a general meeting called for that purpose, to be held in the manner hereinafter mentioned, or at any general annual meeting.”

Press 3, Lines 41 and 42 — Strike out “Ordinances” and insert “Act.”

Press 4 — After Clause 3, bring in the following new Clause, A. : —

CLAUSE A.

And be it enacted, that the number of votes to which each stockholder or stockholders, copartnership, body politic and corporate, holding stock in the said corporation, shall be entitled, on every occasion when, in conformity to the provisions of this Act, votes of the members of the said Corporation are to be given, shall be in the proportion following, that is to say : for one share, and not more than two, one vote ; for every two shares above two, and not exceeding ten, one vote, making five votes for ten shares ; for every four shares above ten, and not exceeding thirty, one vote, making ten votes for thirty shares ; for every six shares above thirty, and not exceeding sixty, one vote, making sixteen votes for sixty shares ; and for every eight shares above sixty, and not exceeding one hundred, one vote, making twenty votes for one hundred shares ; but no person or persons, copartnership, body politic and corporate, being a member or members of the said Corporation, shall be entitled to a greater number than twenty votes.”

Press 4, Line 2 — After “the” strike out all the words to “no,” in the 5th line, inclusively, and insert “said Corporation shall not commence or carry on the said business of insuring against loss by fire, until a sum equal to at least ten per cent on the amount of the whole

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capital stock of one hundred thousand pounds, shall have been paid in and at the disposal of the said Corporation, nor until at least the sum of fifty thousand pounds of the said Capital stock has been subscribed for ; nor shall any policy of insurance be at any time opened or renewed by the said Corporation, unless a sum equal to at least ten per cent on their whole capital stock, as aforesaid, after paying all lawful demands on them, shall be then paid up and in their hands and at their disposal, as aforesaid, nor any.”

Press 4, Line 10 — Before “capital” insert “the whole.”



Press 4, Line 10 — Strike out "subscribed," and insert "as afore-said."

Press 5, Line 1 — After "names" insert "except in respect of any contract or contracts of assurance, made or entered into before the said Corporation commence operations, under the provisions of this Act."

Engrossed Amendments.

JAMES FITZGIBBON,  
Clerk Leg. Council.

Amendments agreed to.

And the said amendments being again read, they were agreed to by the House.

*Ordered* — That Mr. *Black* do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath agreed to their amendments.

Amendments of Leg. Council to Montreal Board of Trade Bill taken up.

The Order of the day, for taking into consideration the amendments made by the Legislative Council to the Bill intituled "*An Act to incorporate the Montreal Board of Trade*," being read,

The House proceeded accordingly to take the said amendments into consideration.

Amendments.

And the said amendments were read, and are as followeth : —

Press 2, Line 14 — Leave out "for ever."

Press 2, Line 31 — After "that" insert "the."

Press 3, Line 28 — Leave out "day," and insert "Monday."

Press 3, Line 41 — Leave out "day," and insert "Monday."

Amendments agreed to.

And the said amendments being again read, they were agreed to by the House,

*Ordered* — That the Honourable Mr. *Moffatt*, do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath agreed to their amendments.

Amendments to L. Canada Winter Roads Bill taken up.

The Order of the day for taking into consideration the amendments made by the Legislative Council to the Bill intituled "*An Act to amend two certain Ordinances therein mentioned, relative to winter roads in that part of the Province formerly Lower Canada*," being read,

The House proceeded accordingly to take the said amendments into consideration,

Amendments.

And the said amendments were read, and are as followeth : —

Press 1, line 15 — Leave out all the words after "the" to the word "the" inclusive, in the 19th line.

Press 1, line 21 — Leave out all the words after "requires" to "requires" inclusively, in the 32nd line.

#### PREAMBLE.

Line 2 — For "Ordinances" read "Ordinance."

Line 6 — Leave out "of the Legislative."

#### TITLE.

Line 1 — Leave out "two certain Ordinances" and insert "a certain Ordinance."

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Amendments agreed to.

And the said amendments being again read, they were agreed to by the House.

*Ordered* — That Mr. *Armstrong* do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath agreed to their amendments.

Order for House in Committee on Registration Bill postponed.

The Order of the day, for the House in Committee on the Bill, to provide for the enregistration of persons entitled to vote at Elections of Members of the Legislative Assembly of this Province, and to make better provision for the holding of such Elections, being read,

*Ordered* — That the said Order of the day, be postponed until *Tuesday* next.

House in Committee on Bill to allow N. Am. Col. Asso. of Ireland loan moneys.

The Order of the day, for the House in Committee on the Bill to authorize the *North American Colonial Association of Ireland* to loan moneys, and to prosecute certain Public Works in the County of *Beauharnois*, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Hopkins* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Progress reported.

And Mr. *Hopkins* reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

*Ordered* — That the said Committee have leave to sit again, this day.

A message was brought by *Frederick Starr Jarvis*, Esquire, Gentleman Usher of the Black Rod.

Message from Leg. Council summoning the House to meet His Excellency.

House waits on His Excellency at bar of Legislative Council.

Speaker reports His Excellency assenting to the following Bills :

Victoria College Bill.

Naturalization Bill.

Bill for recovery of small Debts U. C.

Bill to require Return of Fine by Magistrates.

Bill to amend Mutual Insurance Act of L. C.

Bill to naturalize J. A. Tailhades.

Bill to enable Surveyors, in U. C. to administer an oath.

Bill to define limits of Woodstock.

MR. SPEAKER,

His Excellency the Governor General, desires the immediate attendance of this Honourable House, in the Legislative Council Chamber.

Accordingly Mr. Speaker, with the House, went to the Legislative Council Chamber.

And being returned,

Mr. Speaker reported, that, agreeable to the commands of His Excellency the Governor General, the House had attended His Excellency in the Legislative Council Chamber, where His Excellency was pleased to give, in Her Majesty's name, the Royal assent to the following public and private Bills : —

*"An Act to incorporate the Upper Canada Academy, under the name and style of 'Victoria College'."*

*"An Act to secure to, and confer upon certain inhabitants of this Province the Civil and Political rights of natural born British Subjects."*

*"An Act to repeal the laws now in force in that part of this Province formerly Upper Canada, for the recovery of small debts, and to make other provisions therefor."*

*"An Act to require Justices of the Peace to make returns of convictions and fines, and for other purposes therein mentioned."*

*"An Act to amend an Act of the Legislature of Lower Canada, relative to the establishment of Mutual Fire Insurance Companies."*

*"An Act to secure to, and confer upon Jacques Alexandre Tailhades, an inhabitant of this Province, the Civil and Political rights of a natural born British Subject."*

*"An Act to grant authority to licensed Surveyors in that part of this Province called Upper Canada, to administer an Oath in certain cases, and to protect them while in discharge of their duty in surveying lands."*

*"An Act to extend and define the limits of the Town of Woodstock in the District of Brock."*

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U. C. District Councils Bill.

*An Act to provide for the better internal Government of that part of this Province, which formerly constituted the Province of Upper Canada, by the establishment of Local or Municipal authorities therein.*

Election Bill passed.

An engrossed Bill, the better to provide for the freedom of elections throughout this Province, and for other purposes therein mentioned, was read for the third time.

*Resolved* — That the Bill do pass, and that the title be, *"An Act to provide for the freedom of elections throughout this Province, and for other purposes therein mentioned."*

*Ordered* — That Mr. *Baldwin* do carry the said Bill to the Legislative Council, and desire their concurrence.

House in Committee  
on Bill to allow N.  
Am. Asso. of Ireland  
to loan moneys.

The Order of the day, for the House in Committee on the Bill to authorize the North American Colonial Association of Ireland, to loan moneys and to prosecute certain public Works in the County of *Beauharnois*, being read,

The House accordingly resolved itself into the said Committee.  
*Mr. Hopkins* took the chair of the Committee,

**Mr. Viger** said the bill was giving to the Association powers of a most dangerous nature.<sup>2</sup>

**Messrs. Merritt** and **Baldwin** were of the same opinion, especially as the District Councils had never yet had an opportunity of shewing their intentions, efficiency or capability of doing good.<sup>3</sup>

**Mr. Hincks** supported the bill, affirming that it gave no more power to the District Councils to borrow money, than was already conferred by the municipal bill, nor did it in any way add to their power, but merely permitted them to delegate it to others, who were willing to advance money for local improvements.<sup>4</sup>

**Mr. Merritt** said this was allowing the Districts Councils (so he was understood) to make roads and carry on other works, which might probably clash with those of a similar nature, either in progress or completed by the Legislature.<sup>5</sup>

**Mr. Aylwin** contended, that the powers conferred by this bill, would never have been granted to the old seignors, nor even asked for by them. The most glaring acts of tyranny under the authority of this bill might be perpetrated by the Association, without control; a body corporate being much more dangerous to intrust with power than individuals. For this reason he felt bound to give the measure a most determined opposition.<sup>6</sup>

**Mr. Viger**, alluding to the seignories, said that the bill would confer a power on the District Councils far beyond the limits of what their powers had ever been.<sup>7</sup>

**Mr. Hincks** observed, that the bylaws of the councils were subject to the veto.<sup>8</sup>

**Messrs. Aylwin** and **Baldwin** affirmed that the very preamble gave a power to a body of men, living in another country, to interfere in our internal affairs.<sup>9</sup>

**Mr. Sol. General Day**, in answer to some observations that fell from **Mr. Merritt**, remarked, that the Association was incorporated by an Act of the Imperial Parliament, and that the present bill, was merely to give to that body corporate, the power of loaning money to effect improvements in *Beauharnois*, with the consent of the District Council.<sup>10</sup>

**Capt. Steele** would never consent to the District Councils being made a mere cats-paw of to borrow money to be laid out by an Association as it thought proper.<sup>11</sup>

All the clauses but the 4th and fifth, were then struck out, limiting the Association to the power of loaning money *only*. An additional clause, prohibiting any one in any way connected with the improvements, from holding any office or of having any influence in the council. — <sup>12</sup>

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and after some time spent therein,

**Mr. Speaker** resumed the chair,

Bill reported  
amended,

And **Mr. Hopkins** reported, that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

*Ordered* — That the report be received to-morrow.

House in Committee  
on Bill to amend U.  
C. Mutual Insurance  
Act.

The Order of the day, for the House in Committee on the Bill, to amend an Act of the Parliament of the late Province of *Upper Canada*, entitled "*An Act to authorize the establishment of Mutual Insurance Companies in the several Districts of this Province*" being read,



The House accordingly resolved itself into the said Committee.

Mr. *Crane* took the chair of Committee, and after some time spent therein,<sup>13</sup>

Mr. *Hincks* said the bill was intended to allow the inhabitants of the western part of the province to insure in any office they might think proper, whether *in* the district or *not*; providing there was no insurance company *in it*, or that (if there was one) they had already insured as far as the office was willing to grant a policy.<sup>14</sup>

Mr. *Roblin* was for making every one insure in the district in which he lived; considering it due from neighbors to support each other in aid of a company established for their mutual benefit. One argument of the hon. gentleman's was in every way an *inducement*, rather than a *compulsion* — for, said he “who ((is)) so likely to render aid, as those at hand, with whom a man co-operates?”<sup>15</sup>

Mr. *Merritt* was for extending the principle, and allowing every man to insure where he liked.<sup>16</sup>

Mr. *Dunscomb* was of the same opinion.<sup>17</sup>

Mr. *Roblin* still ((contended)) for restriction.<sup>18</sup>

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Mr. Speaker resumed the chair,

Bill reported  
amended.

And Mr. *Crane* reported, that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table, and agreed to by the House.

Bill to be engrossed.

*Ordered* — That the said Bill as amended be engrossed.

Order for House in  
Committee on Bill to  
amend Montreal and  
Coteau du Lac Rail  
Road Ordinance, post-  
poned.

The Order of the day, for the House in Committee, to take into consideration the expediency of amending the Ordinance of the Special Council of the 4th VICTORIA, chapter 41, authorizing the formation of a Rail Road from *Montreal* to *Coteau du Lac*, being read,

*Ordered* — That the said Order of the day be postponed until *Monday* next.

House in Committee  
on Sydenham Road  
Company Bill.

The Order of the day, for the House in Committee, on the Bill to establish a Company by the name of the *Sydenham* Mountain Road Company, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Powell* took the chair of Committee,<sup>19</sup>

Mr. *Draper* observed that this bill, which was to incorporate a body, (similar to another that had passed this session,) did not contain *one* clause, which specified what that body was incorporated for. (Hear.)<sup>20</sup>

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and after some time spent therein,

Progress reported.

Mr. Speaker resumed the chair,

And Mr. *Powell* reported, that the Committee had made some progress, and directed him to move for leave to sit again.

*Ordered* — That the said Committee have leave to sit again to-morrow.

House in Committee  
on Petition of  
S. Garnsey & others.

The Order of the day, for the House in Committee on the Petition of divers Inhabitants of the Township of *Oakland*, of *Samuel Garnsey*

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and others, inhabitants of the Township of *Bayham*; and of *James Covernton* and others, Magistrates and inhabitants of the District of *Talbot* being read,

The House accordingly resolved itself into the said Committee.

Mr. *Burnet* took the chair of Committee,<sup>21</sup>

**Mr. Powell** wished to have the townships of Bayham and Oakland added to Talbot, and he succeeded in committee in carrying a resolution regarding the first.<sup>22</sup>

**Mr. Parke** and **Mr. Hincks** strongly opposed both resolutions, contending that Bayham ought to be joined to the Brock District so as to give that District a Lake frontage, which would now be particularly necessary in consequence of the establishment of District Councils and the contemplated improvement of the Harbours and roads adjoining them.<sup>23</sup>

After a good deal of discussion in committee **Mr. Powell** withdrew his motion regarding Oakland....<sup>24</sup>

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and after some time spent therein,

**Mr. Speaker** resumed the chair,

Resolution Reported.

And **Mr. Burnet** reported, that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, as followeth :

*Resolved* — That it is the opinion of this Committee, that it is expedient for the local convenience of the inhabitants of the Township of *Bayham*, to annex, by Legislative enactment, that Township to the County of *Norfolk*, in the District of *Talbot*.

Motion for question of concurrence.

**Mr. Powell** moved, seconded by **Mr. Durand**, that the question of concurrence be now put upon the said resolution,

Amendment moved, to refer Bill to Committee.

**Mr. Henry Smith** moved in amendment, seconded by **Mr. Johnston**, that all the words after "That" in the said motion be struck out, and the following substituted : "The Petition of *Samuel Garnsey* and others, inhabitants of the Township of *Bayham*, be referred to a select Committee, composed ((of)) **Mr. Hincks**, **Mr. Durand**, **Mr. Parke**, and **Mr. Powell**, to examine the contents thereof, and to report thereon with all convenient speed ; with power to send for persons, papers, and records,"

Amendment carried.

The question having been put upon the motion of amendment, it was agreed to by the House,

Main motion carried.

The question being then put upon the main motion, as amended, it was also agreed to by the House, and —

*Resolved* accordingly.

Message from Leg. Council.

A message from the Legislative Council, by *John Godfrey Spragge*, Esquire.

**MR. SPEAKER,**

Currency Bill sent down amended.

The Legislative Council have passed the Bill, entitled "*An Act to regulate the currency of this Province*," with several amendments, to which they desire the concurrence of the Assembly,

And then he withdrew.

House in Committee on **Mr. Black's** 4 Criminal Bills.

The Order of the day, for the House in Committee on the Bill for improving the administration of Criminal Justice in this Province ; the Bill for consolidating and amending the Laws in this Province relative to offences against the person ; the Bill for consolidating and amending the Laws in this Province relative to Larceny, and other offences connected therewith ; and the Bill for consolidating and amending the Laws in this Province, relative to malicious injuries to property, being read,

The House accordingly resolved itself into the said Committee.

**Mr. Johnston** took the chair of Committee.<sup>25</sup>

The hon. and learned member ((**Mr. Black**)) briefly observed, that the bills before the committee would not abolish the punishment of death, but restrict it to certain offences.

The bills had been drawn up, not merely from his own experience, but with deference to the opinions of those, who, distinguished by their legal acquirements, were entitled to serve as authorities.<sup>26</sup>

Few Members besides the lawyers took a part ((in the debate))....<sup>27</sup>

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Several Members having retired,

Mr. Speaker resumed the chair.

The names of the members present were taken down, as followeth :

Mr. Speaker,

No Quorum.

Mr. *Armstrong*, Mr. *Baldwin*, Mr. *Black*, Mr. *Boutillier*, Mr. *Solicitor General Day*, Mr. *Durand*, Mr. *Hale*, Mr. *Holmes*, Mr. *Johnston*, Mr. *Morin*, Mr. *Powell*, Mr. *Raymond*, Mr. *Simpson*, Mr. *Harmanus Smith*, Mr. *Thompson*, the Honourable Mr. *Viger*, and Mr. *Watts*.

And at a quarter before 6 o'clock, P. M., Mr. Speaker adjourned the House for want of a quorum.

Footnotes — 27 August 1841.

1. BRITISH COLONIST, 1 September 1841.

2. IBID.

3. IBID.

4. IBID.

5. IBID.

6. IBID.

7. IBID.

8. IBID.

9. IBID.

10. IBID.

11. IBID.

12. IBID.

13. This debate was reported by: BRITISH COLONIST, 1 September 1841. A commentary was found in: EXAMINER, 1 September 1841. The BRITISH COLONIST reports this debate under the subject of "the Montreal Insurance Company Bill", but it is clear from comparing its report with the commentary in the EXAMINER, and with the JOURNALS, 27 August 1841, p. 441, that the subject was actually Upper Canada Mutual Insurance Act.

14. BRITISH COLONIST, 1 September 1841.

15. IBID.

16. IBID.

17. IBID.

18. IBID.

19. This debate was reported by: BRITISH COLONIST, 1 September 1841; MONTREAL GAZETTE, 30 August 1841.

20. BRITISH COLONIST, 1 September 1841.

21. This debate was reported by: BRITISH COLONIST, 1 September 1841; MONTREAL GAZETTE, 30 August 1841; EXAMINER, 1 September 1841.

22. EXAMINER, 1 September 1841.

23. IBID.

24. IBID.

25. This debate was reported in: MONTREAL GAZETTE, 30 August 1841; BRITISH COLONIST, 1 September 1841. "Out of the four ((bills)), one passed through committee, but during the progress of the second ... a quorum not remaining, the committee rose, leaving the remainder on the orders of the day for to-morrow." BRITISH COLONIST, 1 September 1841.

26. BRITISH COLONIST, 1 September 1841.

27. MONTREAL GAZETTE, 30 August 1841.



**Saturday, 28 August 1841.**

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- Petitions brought up.* The following Petitions were severally brought up, and laid on the table :
- G. Alley & others. By Captain *Steele* — The Petition of *Gerald Alley*, and others, inhabitants of *Orillia*, and adjacent parts.
- L. Lyman. By Mr. *Johnston* — The Petition of *Lewis Lyman*, of *Beauharnois*, Commissioner of the *North American Colonial Association of Ireland*.
- Savings Banks Bill passed. An engrossed Bill, to encourage the establishment of, and to regulate Savings Banks in this Province, was read for the third time.  
*Resolved* — That the Bill do pass.  
*Ordered* — That Mr. *Holmes* do carry the said Bill to the Legislative Council, and desire their concurrence.
- Montreal aged Women's Asylum Bill passed. An engrossed Bill, to incorporate the *Montreal Asylum* for aged and infirm women, was read for the third time.  
*Resolved* — That the Bill do pass.  
*Ordered* — That the Honourable Mr. *Viger* do carry the said Bill to the Legislative Council, and desire their concurrence.
- Montreal R. C. Orphan Asylum Bill passed. An engrossed Bill, to incorporate the Ladies of the *Roman Catholic Orphan Asylum of Montreal*, was read for the third time.  
*Resolved* — That the Bill do pass.  
*Ordered* — That Mr. *Quesnel* do carry the said Bill to the Legislative Council and desire their concurrence.
- Welland Canal Stock purchase Bill passed. An engrossed Bill, to authorize the stock held by private parties in the *Welland Canal* to be purchased on behalf of the Province, was read for the third time.  
*Resolved* — That the Bill do pass.  
*Ordered* — That the Honourable Mr. Attorney General *Draper* do carry the said Bill to the Legislative Council, and desire their concurrence.
- Bill to Amend Act respecting Election of Grand River Directors passed. An engrossed Bill, to amend the Law regulating the election of Directors of the *Grand River Navigation Company*, was read for the third time.  
*Resolved* — That the Bill do pass.  
*Ordered* — That the Honourable Mr. Attorney General *Draper* do carry the said Bill to the Legislative Council, and desire their concurrence.
- Petitions read :* Pursuant to the order of the day, the following Petitions were read :
- Of P. M. Benson. Of P. M. *Benson*, Teacher of *Maskinongé*, in the County of *St. Maurice*, praying to be paid the arrears due him since the first of *May*, 1836.
- Of J. Read & others. Of *James Read*, and others, Freeholders of the *Western District*, praying that provision may be made for the improvement of the road and bridges, from *Amherstburgh* to *Chatham*, in the said District.
- Of J. Bolduc. Of *Joseph Bolduc*, of the City of *Quebec*, praying to be remunerated for past services as Messenger of the Legislative Council, of the late Province of *Lower Canada*.
- Of H. Graham and others. Of *H. Graham*, and others, of the *Bathurst District*, stating that there is no communication between the front and rear Townships of said District, and praying the consideration of the House to the same.

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Petition of J. Bolduc referred to Committee of whole on Salary of Speakers, &c.

*Ordered* — That the Petition of *Joseph Bolduc*, of the City of *Quebec*, be referred to the Committee of the whole House, to take into consideration the subject of the Message of His Excellency the Governor General, relative to the Salaries of the Honourable the Speaker of the Legislative Council, and the Honourable the Speaker of this House, and the salaries of the Officers of both Houses.

On motion of Mr. *Parent*, seconded by the Honourable Mr. *Viger*.

House to go into Committee on Monday on Indexing Journals of U. & L. Canada.

*Resolved* — That this House will, on *Monday* next, resolve itself into a Committee of the whole House, to consider the expediency of causing a General Index to be made to the Journals of the Houses of Assembly, of the late Provinces of *Upper* and *Lower Canada*.

On motion of Mr. *Holmes*, seconded by the Honourable Mr. *Moffatt*,

Amendments of L. Coun. to Currency Bill to be taken up on Monday.

*Ordered* — That the amendments made by the Legislative Council to the Bill intituled "*An Act to regulate the currency of this Province*," be taken into consideration on *Monday* next.

Chairman of whole on Periodical Census Bill, reports amendments to Bill.

Mr. *Simpson*, from the Committee of the whole House, on the Bill to repeal certain parts of an Act therein mentioned, and to provide for taking a periodical census of the inhabitants of this Province, and for obtaining the other statistical information therein mentioned, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Bill to be engrossed.

*Ordered* — That the said Bill as amended, be engrossed.

Chairman of Committee of whole on Bill to allow N. Am. Col. Asso. of Ireland to loan moneys reports amendments.

Mr. *Hopkins*, from the Committee of the whole House, on the Bill to authorize the *North American Colonial Association of Ireland*, to loan Moneys and to prosecute certain Public Works in the County of *Beauharnois*, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Bill to be engrossed.

*Ordered* — That the said Bill as amended, be engrossed.

House in Committee on Mr. Black's Criminal Bills.

The Order of the day, for the House in Committee on the Bill for improving the administration of Criminal Justice in this Province; the Bill for consolidating and amending the Laws in this Province relative to offences against the person; the Bill for consolidating and amending the Laws in this Province relative to Larceny, and other offences connected therewith; and the Bill for consolidating and amending the Laws in this Province relative to malicious injuries to property, being read.

The House accordingly resolved itself into the said Committee.

Mr. *Johnston* took the chair of Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Bills reported amended.

And Mr. *Johnston* reported that the Committee had gone through the said Bills, and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

Hon. Mr. *Draper* rose and said, the alterations proposed by this Bill were so extensive, and would so materially alter the Criminal Law of Upper Canada, that he could not consent to its passing into a law, as applicable to that part of the Province. He felt it to be his duty to say, that his other public engagements had prevented his giving to the Bills the attention they deserved and demanded, and he would therefore propose, that the alterations would not come into effect, in that portion of the Province, till 1843.<sup>1</sup>

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*Ordered* — That the report be received on *Monday* next.

House in Committee  
on 1st. Report of  
Committee on prices  
of transporting  
produce.

The Order of the day, for the House in Committee on the first Report of the select Committee, appointed to examine into the prices paid and the methods adopted, for the transit of products on the different communications within this Province, and to which was referred the Message of His Excellency the Governor General, in answer to the Address of this House of the 14th of *July* last, on the subject of an

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Address of the House of Assembly of *Upper Canada*, relating to the introduction of the products of the Province into the Ports of *Great Britain* free of duty, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Kimber* took the chair of Committee.<sup>2</sup>

Mr. *Merritt* brought up his proposition for the alteration of the duties, and for a change in the system of our commercial relations with Great Britain. He produced a report from the House of Assembly of New Brunswick, in support of his views of the question. He stated that the difficulty in effecting the desired alterations did not arise, so much from disinclination on the part of the British Government to attend to our wishes, as from the mode prescribed for obtaining it. That House must proceed by Address to the Governor — the Governor must transmit the Address to the Queen — Her Majesty referred it to the Colonial Department — the Colonial Department referred it to the Board of Trade — and the Board of Trade to the Imperial Parliament. He considered it would be far better, that we should have the power to make laws on the subject for ourselves, and let them be referred immediately to the Imperial Parliament, when, if having laid before that House thirty days, they were not opposed, they should be a law here. Mr. M. then proceeded to say, he would propose to the Mother Country a system of free trade. We would abandon our import duties, and she should abandon all her duties upon our exports, by which we should become part and parcel of the Empire; and he would substitute for the revenue which we now derived from our imports, which did not exceed £40,000, the tolls which would be received from the St. Lawrence Canal. He attempted to prove that if this were done, Great Britain would be the gainer, as it would be no longer necessary that she should keep up a Military establishment here, or expend the proposed £100,000 per annum, in building fortresses and other defences; that, in fact, Canada would defend herself and become the most desirable place of residence in the known world. He did not mean to press the adoption of the measure just then — his object was to bring it before the House and the country for their consideration, and he had no doubt, that, within a very few years, it would be acted upon.<sup>3</sup>

Dr. *Dunlop* said, the Hon. Member thought the proposition he had made so clear, that every body else must be of the same opinion. Now he entertained a very different opinion, and he was not disposed to make so bad a bargain. It was, to use the favorite figure of his Hon. friend from Carlton, (Mr. Johnson) "like a *can*, with the handle all on one side."<sup>4</sup> The duty on wheat, he affirmed, averaged 6d per quarter, (subject to a rise of 5s.) which he estimated to the farmer at about ¾d per bushel. The duty of 2½ per cent. which was levied on piece goods, he was of opinion, was only operated upon to half the amount — enabling one of the partners from each of the large houses to go to England yearly on business, out of the profits derived from an evasion of the duty. Even were it doubled, said the hon. member, such would be the trifling difference in the fabrication of a pair of small-clothes, that though a tailor possessed even the subtlety of a "Cocker," with all his arithmetical ingenuity, he would be unable to put down any additional charge in the bill, that would be borne out by any logical inferences, unless those to be adduced in solving the enigmas that are to be found on the exterior of those pictorial repositories (sic) of snuff and tobacco, which are to be met with in the pockets of intelligent and economical mechanics.<sup>5</sup>

Mr. *Merritt* asserted that the very tolls arising from our Canals, if his project was adopted, would pay more than ten times the revenue we at present derived from our import duties.<sup>6</sup>

Dr. *Dunlop* thought the Hon. Member for Lincoln (Mr. *Merritt*) must have been studying Don Quixotte (sic), for, like him, he so long contemplated fancied things to be real that he believed them to be so.<sup>7</sup>



**Mr. Hincks** said that the duties of imports into the Port of Quebec, had nothing whatever to do with the products which were exported to Great Britain. — British manufacturers, he affirmed, wanted no protecting duties, to enable them to compete with the rest of the world, an assertion emanating from that wealthy body itself.<sup>8</sup>

((He)) said all this country wanted at present was revenue, and he would ask if we sacrificed £40,000 per annum, by abandoning our import duties, how that sum was to be obtained? Instead of giving it up, we required to double it. He ridiculed the idea of relying upon the tolls of works, not only not completed, but the policy of completing which was not yet decided on. When they were completed, and the tolls became so redundant as the Hon. gentleman prognosticated, then would be time enough to abandon our import duties. What the country required was the protection of its agriculture, and the diminution of the cost of production — and what was the same thing, diminished the cost of transport.<sup>9</sup>

**Mr. Merritt** explained — the proposition was, a reciprocal abolition of all duties between the colony and the mother country; an event which he predicted *would be* accomplished in four years from the present period — the counterbalance to be effected by imposing duties upon the products of the States and other countries.<sup>10</sup>

**Mr. Cartwright** supported Mr. Merritt's views of removing all restrictions upon our commerce. With respect to Great Britain admitting all imports that came from us duty-free, he was afraid that it would be so far objectionable, that a glut might be occasioned in the home market, by admitting on these terms the products of the United States, which could not be considered as our own growth. He could well understand that we ourselves would be benefited by such a stipulation, if flour purchased by us at 20s per barrel, for our own consumption could be exported and sold in the home market for 30s. Considering the arguments that had been offered, he would vote for an address founded upon the resolutions.<sup>11</sup>

He went into a lengthened statement of the relative obligations which existed between this country, as a Colony, and the Parent Country.<sup>12</sup>

**Capt. Steele** supported the proposition of free trade between Great Britain and Canada. He thought, however, that by urging the matter, it might be productive of an irritation that would operate against us, the mother country having evinced every disposition to identify our interests with hers, and to carry out a system of wise legislation consistent with the welfare of both countries.<sup>13</sup>

**Dr. Dunlop** said, that it was an undoubted fact, the agricultural was the superior interest of the country, and every thing... that went to aggrandize any other, at the expense of that, ought to be scouted. He could have no intention of injuring the interests of agriculture, as he was sorry to say he was one of the few Members of the House that depended solely upon it for his support. The proposal of checking the importation, or rather the transmission of American produce through the country, he considered impolitic in the extreme. Until that wheat and flour which went out by the St. Lawrence would glut the English and West Indian markets, no injury could be done to the agricultural interests of this country. The whole panic on the subject arose upon a very erroneous idea of the enormous commercial transactions of Great Britain. He would venture to say, that all the flour exported, the growth of Canada, would not furnish a penny roll for the New Year's day Breakfast, for every individual of Great Britain and Ireland. As to the West Indies, Jamaica alone took 52,000 barrels of flour annually, a quantity which it would have puzzled us to supply not many years ago; and here we had a protecting duty equal to 6s stg. per barrel. He could see little harm, though it was against sound principles, of interdicting the importation of such articles as the Colony itself used, such as fresh beef, live stock, but he hoped that he would never see the day when the boon that the Mother Country had granted us, of being the shippers and carriers of foreign produce, so should be taken from us. The Americans, and particularly the Yankees, were a clear-headed people especially when their own interests are concerned. So far from rejoicing at any advantages they have gained over John Bull, they were lamenting in sack cloth and ashes, that for once the Cabinet of Great Britain had outjockeyed them. They did not stamp, and rave, and rail, and display their oratory in splendid paragraphs; they took a more mechanical mode of proving their point; they appealed to the Customs House returns of Montreal, Quebec, Boston and New York, and from them they proved satisfactorily that our commerce had increased exactly in the same proportion that they had diminished, — and they proposed as a remedy, that bonded warehouses should be established on the borders of our waters, to throw into Canada British and foreign goods as

cheaply as they could be procured from Montreal, from which they said, and truly, smuggling took place to an enormous extent. Indeed, it is not at all likely that an American will take a cargo of flour to Montreal, receive his money, return to his own country, and buy his British goods at an advance of 75 per cent; if this be human nature, it certainly is not Yankee nature. Many in the House were old enough to remember Napoleon's Milan and Berlin Decrees. They were enacted to exclude British goods from the Continent; how did we receive them? by excluding Continental goods from Great Britain. Now, if Napoleon's policy was good, we were doing all in our power to help him, we were giving him our Army, our Navy, and our Customs Houses, to follow up his plans. Had we, on the contrary, allowed continental goods to come into Great Britain, we would have added to our revenue, and we would have had a market for our own products, as British manufactures must have been smuggled out and carried to the Continent to pay for what we received. The complaint therefore of the Americans not reciprocating, is chimerical; let us take their produce (sic), and they must and they shall take our manufactures in return.<sup>14</sup>

**Mr. Williams** was in favour of levying a duty upon all American produce for the benefit of the Canadian farmer; and opposed to the produce of other countries passing through our waters upon the same footing as those of our own growth.<sup>15</sup>

**Mr. Hincks** could not see how we were to be benefitted by adopting the report of the committee. As to the former addresses on the subject having been ineffectual, he shrewdly suspected that that might be imputed to counter addresses having been sent home to counteract them. If we desired to increase our revenue, he could not devise a better expedient than levying an additional duty of 2½, making it 5 per cent. upon British manufactures. Before, however, any action was taken upon the report by the house, he would be happy to hear the opinions of the Executive officers on the subject.<sup>16</sup>

**Mr. Att'y General Draper** said, in the absence of his colleague, Mr. Harrison, who had charge of the measure, he would confine himself to remarking, that a free commerce with the colony and Great Britain he had ever advocated, and his sentiments were still the same.<sup>17</sup>

**Mr. Cameron**, followed by **Mr. Roblin**, briefly remarked, that he cheerfully supported a proposition so reasonable as to admit flour of our own growth free of duty into the home market.<sup>18</sup>

**Mr. Merritt** ... said, he would content himself merely with moving the first resolution adopting the report, leaving the house in possession of the subject for future consideration.<sup>19</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair,

Resolution reported.

And **Mr. Kimber** reported, that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:

Resolution.

*Resolved* — That this House fully concur in the opinions expressed in the several Addresses from the Assembly of the late Province of *Upper Canada*, praying for the admission of the products of *Canada* into the ports of *Great Britain* free from duty, — a measure which would not only place Her Majesty's subjects in this Province on equal terms with other portions of Her Majesty's Empire, but establish a fixed and certain policy, promote the mutual prosperity of both, and ensure their connexion for all time to come.

House in Committee on Amending Ordinance respecting Judicature of Gaspé.

The Order of the day, for the House in Committee to take into consideration the expediency of amending the Ordinance of the Governor and Special Council of *Lower Canada*, 4th VICTORIA, Chapter 41, for altering and amending the Judicature of the said Province, in so far only as the said Ordinance relates to the "Territorial division of *Gaspé*" established by it, being read,

The House accordingly resolved itself into the said Committee.

**Mr. Parke** took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Resolution Reported.

And Mr. Parke reported, that Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth :

Resolution.

*Resolved* — That it is expedient to alter and amend an Ordinance of the Governor and Special Council of the late Province of *Lower Canada*, passed in the 4th year of His Majesty's Reign, intituled "*An Ordinance to establish new Territorial Divisions of Lower Canada, and to alter and amend the Judicature, and provide for the better and more effective administration of Justice throughout this Province,*" in so far as relates to the Territorial division of *Gaspé*, by providing that the fourth division of the Court of Common Pleas, to be established under the said Ordinance, shall consist of *two* or more Justices, instead of *one* or more Justices of the Court of Common Pleas, as provided by the 7th clause or section of the said Ordinance.

House in Committee on Bill to confirm arrangement in Gore and Wellington Districts.

The Order of the day, for the House in Committee on the Bill to confirm a certain arrangement entered into by the Magistrates of the District of *Gore and Wellington*, being read,

The House accordingly resolved itself into the said Committee.

Mr. Harmanus Smith took the chair of Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Bill reported without amendment.

And Mr. Harmanus Smith reported, that the Committee had gone through the Bill, without making any amendment thereto, and the report was again read at the Clerk's table.

*Ordered* — That the said Bill be engrossed.

The Order of the day, for the House in Committee, to consider the expediency of repealing the Act of the late Province of *Lower Canada*, of the 2nd WILLIAM Fourth, Chapter 53, relating to the protection of

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House in Committee on protection of Copy Rights.

copy Rights, with a view of making new enactments on the same subject for the Province of *Canada*, being read,

The House accordingly resolved itself into the said Committee.

Mr. Christie took the chair of Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Resolution reported.

And Mr. Christie reported, that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House and is as followeth :

Resolution.

*Resolved* — That it is expedient to repeal the act of the late Province of *Lower Canada*, passed in the 2nd year of the Reign of His late Majesty King WILLIAM the Fourth, intituled "*An Act for the protection of Copy Rights.*"

Resolution referred to Select Committee on Copy Rights Bill.

*Ordered* — That the said Resolution be referred to the select Committee, to which was referred the Bill for the protection of Copy Rights, in that part of the Province formerly constituting *Upper Canada*.

Order for House in Committee on Bill for administration of Justice in Gaspé, postponed.

The Order of the day, for the House in Committee, on the Bill to make more ample provision than heretofore for the due Administration of Justice, in the Territorial Division of *Gaspé*, being read,

*Ordered* — That the said order of the day be postponed, until Monday next.

House in Committee on addressing His Excellency on revising L. C. Statutes.

The Order of the day, for the House in Committee, to take into consideration the expediency of presenting an humble Address to His Excellency the Governor General, praying His Excellency to appoint a Commission for the purpose of revising the Statutes and Ordinances of that part of this Province formerly called *Lower Canada*, being read,



The House accordingly resolved itself into the said Committee.

Mr. *Foster* took the chair of Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Resolution reported.

And Mr. *Foster* reported, that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth :

Address to His Excellency to appoint Commission to revise Statutes of L. Canada, ordered.

*Resolved* — That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will appoint a Commission, for revising the statutes and Ordinances of that part of this Province formerly called *Lower Canada*, and for consolidating such of the said statutes and Ordinances as relate to the same subjects, as can be advantageously consolidated ; and assuring His Excellency that this House will make good such sum as may be recommended by His Excellency, as requisite for defraying the Expenses incurred in the Execution of said Commission.

*Ordered* — That the said Address be presented to His Excellency by such members of this House as are of the Honourable the Executive Council of this Province.

House in Committee on paying losses by rebellion in L. Canada.

The Order of the day, for the House in Committee to take into consideration the expediency of making provision for the payment of all just claims, arising in that part of the Province formerly called *Lower Canada*, out of the late rebellion and invasions of that part of this Province, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Turcotte* took the chair of Committee, and after some time spent therein,

Mr. Speaker resumed the Chair.

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Resolution reported.

And Mr. *Turcotte* reported, that the Committee had come to a Resolution, which he was directed to submit to the House whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received on *Monday* next.

Amendments of L. Council to Dalhousie District Loan Bill taken up.

The Order of the day, for taking into consideration the amendments made by the Legislative Council, to the Bill intituled "*An Act to authorize a further loan to complete the building of the Court House and Gaol for the intended District of Dalhousie,*" being read,

The House proceeded accordingly to take the said amendments into consideration.

And the said amendments were read, and are as followeth : —

Amendments.

Press 1, Line 20 — After the word "*Ottawa*" leave out all the words to "intended," in the 21st line, inclusively, and insert "intended to be included in the."

Press 1, Line 25 — After "limits" leave out the words "of the said intended," and insert "intended to be included in the said new."

Press 1, Line 31 — Leave out "*Gloucester, Osgoode.*"

Press 1, Line 34 — Leave out "and the Townships of *Gloucester, and Osgoode.*"

Press 1, Line 35 — After the word "Townships," leave out all the words to "intended," in the 36th line, inclusively, and insert "intended to be included in the said."

Press 1, Line 41 — After the word "*Ottawa*," leave out all the words to "intended," inclusively, in the 42d line, and insert "intended to be included in the said new."

Press 2, Line 1 — After the word "Districts," leave out all the words to "*Osgoode*," inclusively, in the 2d line.

Press 2, Line 6 — Leave out all the words from "or" to "*Osgoode*," inclusively, in the same line.

Press 2, Line 11 — Leave out all the words after "*Ottawa*" to "*Osgoode*," inclusively, in the 12th line.

Press 2, Line 28 — After "advanced," insert "under the authority of the said Act."

Press 2, Line 33 — Leave out all the words after "not," to "interest," inclusively, and insert "bear a greater interest than six per centum per annum."

Press 3, Line 16 — After "Districts," leave out all the words to "*Osgoode*," inclusively, in the same line.

# PREAMBLE :

Line 3 — After the word "loan," expunge the remainder of the Preamble, and insert the following words : "authorized by law for the purpose of building a Gaol and Court House therein, has been found insufficient for the purpose proposed ; and whereas it is desirable that the means of completing the said Gaol and Court House may be provided without further delay."

Engrossed Amendments.

JAMES FITZGIBBON,  
Clerk Leg. Council.

Amendments agreed to.

And the said amendments being again read, they were agreed to by the House.

*Ordered* — That Mr. *Derbishire* do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath agreed to their amendments.

The Order of the day, for the House in Committee, on the Bill to repeal a certain Act therein mentioned, and to exempt the members

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House in Committee on Bill to exempt Fireman from certain Duties.

of Companies of Firemen, lawfully established, from serving as Jurors, and in the Militia, except in certain cases, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Thorburn* took the chair of Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. *Thorburn* reported, that the Committee had gone through the Bill without making any amendment thereto, and the report was again read at the Clerk's table.

*Ordered* — That the said Bill be engrossed.

Bill reported without amendment.

Bill to be engrossed.

House in Committee on Sydenham Mountain Road Bill.

The Order of the day, for the House in Committee on the Bill to establish a Company, by the name of the "*Sydenham Mountain Road Company*" being read.

The House accordingly resolved itself into the said Committee.

Captain *Steele*, took the chair of Committee, and after some time spent therein.

Mr. Speaker resumed the chair,

And Captain *Steele* reported, that the Committee had gone through the Bill and had made several amendments thereto, which amendments were again read at the Clerk's table, and agreed to by the House.

*Ordered* — That the said Bill, as amended be engrossed.

Bill reported amended.

Bill to be engrossed.

House in Committee on Bill for admission of Notaries in Canada East.

The Order of the day for the House in Committee on the Bill to regulate the admission of persons to the notarial profession in that part of the Province called *Lower Canada*, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Quesnel*, took the chair of Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. *Quesnel* reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Progress reported.

*Ordered* — That the said Committee have leave to sit again on *Saturday* next.

House in Committee on Dundas Street and Humber Road Bill.

The Order of the day, for the House in Committee on the Bill to incorporate certain persons therein mentioned for the purpose of making a Macadamized Road from *Dundas Street*, to the River *Humber*, in the Township of *York*, being read.

The House accordingly resolved itself into the said Committee.

Mr. *Child*, took the chair of Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Bill reported.

And Mr. *Child*, reported that the Committee had gone through the Bill, without making any amendments thereto, and the report was again read at the Clerk's table.

Bill to be engrossed.

*Ordered* — That the said Bill be engrossed.

On motion of Mr. *Baldwin*, seconded by Mr. *Quesnel*,

Order for House in Committee on Addressing H. E. to pardon political offenders, postponed.

*Ordered* — That the Order of the day for the House in Committee to consider the expediency of addressing His Excellency the Governor General, to grant a free pardon for all offences committed during the late political disturbances in *Upper* and *Lower Canada*, be postponed until *Monday* next, and that it be then the first order of the day.

The names of the members present were taken down as followeth :

Mr. Speaker,

No Quorum.

Mr. *Baldwin*, Mr. *Boutillier*, Mr. *Child*, Mr. *Christie*, Mr. *Durand*, Mr. *Hopkins*, Mr. *Kimber*, Mr. *McLean*, Mr. *Parke*, Mr. *Price*, Mr. *Quesnel*, Mr. *Roblin*, Mr. *Harmanus Smith*, Mr. *Steele*, Mr. *Taché*, Mr. *Thompson*, Mr. *Thorburn*, and the Honourable Mr. *Viger*.

And at a quarter before 4 o'clock, P. M., Mr. Speaker adjourned the House for want of a quorum.

#### Appendix. 28 August 1841.

##### ((Notice of Proposed Motion.))

In the Legislative Assembly, today, Col. *Prince* gave notice that he would bring forward his measure for the establishment of a Court of Impeachment, on Wednesday next.<sup>20</sup>

Mr. *Johnston* gave notice of a motion for the production of all surveys, reports, and estimates for improvements connected with the Ottawa.<sup>21</sup>

Footnotes — 28 August 1841.

1. MONTREAL GAZETTE, 31 August 1841. Draper is reported to have made these remarks *after* the Bill had passed through the Committee, and not in Committee.

2. The debate was reported by: MONTREAL GAZETTE, 28 August 1841, 1 September 1841; BRITISH COLONIST, 1 September 1841, whose report was copied by ST. CATHARINES JOURNAL, 16 September 1841; EXAMINER, 1 September 1841; LE CANADIEN, 1 September 1841, notes that the debate took place though it does not give any details of it.

3. MONTREAL GAZETTE, 13 August 1841.

4. IBID.

5. BRITISH COLONIST, 1 September 1841.

6. MONTREAL GAZETTE, 31 August 1841.

7. IBID.

8. BRITISH COLONIST, 1 September 1841.

9. MONTREAL GAZETTE, 31 August 1841.

10. BRITISH COLONIST, 1 September 1841.

11. IBID.

12. MONTREAL GAZETTE, 31 August 1841.

13. BRITISH COLONIST, 1 September 1841.

14. MONTREAL GAZETTE, 31 August 1841.

15. BRITISH COLONIST, 1 September 1841.

16. IBID.



17. IBID.
18. IBID.
19. IBID.
20. MONTREAL GAZETTE, 31 August 1841.
21. IBID.

## Monday, 30 August 1841.

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*Petitions brought up.*

The following Petitions were severally brought up, and laid on the table : —

Æ. Bell.

By Mr. *Prince* — The Petition of *Æneas Bell*, Chief Messenger and House-keeper, of the late House of Assembly of *Upper Canada*.

P. Lacroix.

By the Honourable Mr. *Viger* — The Petition of *Pierre Lacroix*, of *Quebec*.

E. Parent, Esq.

By Mr. *Aylwin* — The Petition of *E. Parent*, Esquire.

J. E. Turcotte, Esq.

By Mr. *Morin* — The Petition of *Joseph Edouard Turcotte*, Esq., Representative of the county of *St. Maurice*.

J. Lister and others.

By Mr. *Williams* — The Petition of *John Lister*, and *Bowman* and Company, Merchants.

J. Parish and others.

By Mr. *Morris* — The Petition of *John Parish*, and others, inhabitants of the township of *Yonge*; and the Petition of *Stephen Scovie*, and others, inhabitants of the township of *Yonge*.

C. McPherson and others.

By Mr. *Simpson* — The Petition of *Charles McPherson*, and others, of *St. Polycarpe*, county of *Vaudreuil*.

Bill to amend Mutual Insurance Act of U. C. passed.

An engrossed Bill to amend an Act of the Parliament of the late Province of *Upper Canada*, intituled "*An Act to authorise the establishment of Mutual Insurance Companies in the several districts of this Province*," was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Hincks* do carry the said Bill to the Legislative Council, and desire their concurrence.

Bill to authorize N. Am. Col. Asso. of Ireland to loan moneys, passed.

An engrossed Bill to authorise the *North American Colonial Association of Ireland* to loan moneys, and to prosecute certain public works in the County of *Beauharnois*, was read for the third time.

*Resolved* — That the Bill do pass, and that the Bill be, "*An Act to authorize the North American Colonial Association of Ireland to loan moneys, in the county of Beauharnois*."

*Ordered* — That Mr. *Dunscomb* do carry the said Bill to the Legislative Council, and desire their concurrence.

Periodical Census Bill passed.

An engrossed Bill to repeal certain parts of an Act therein mentioned, and to provide for taking a periodical census of the inhabitants of this Province, and for obtaining the other statistical information therein mentioned, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. Solicitor General *Day* do carry the said Bill to the Legislative Council, and desire their concurrence.

*Petitions read.*

Pursuant to the Order of the day, the following Petitions were read : —

Of E. O'Donnell and others.

Of *Edward O'Donnell*, and others, inhabitants of the City of *Toronto*, praying that they may be allowed to vote by ballot, at their Municipal Elections.

Of G. Alley and others.

Of *Gerald Alley*, and others, inhabitants of *Orillia*, and adjacent parts, praying that the Sacred Scriptures may be taught as a class book, in all the Seminaries and Schools throughout the Province.

Of L. Lyman.

Of *Lewis Lyman*, of *Beauharnois*, Commissioner of the *North American Colonial Association of Ireland*, praying to be Naturalized.

Com. to search Journals of Legislative Council on Bill to prevent failure of Justice in late Elections, report.

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Sir *Allan MacNab*, from the Select Committee, appointed to search the Journals of the Honourable the Legislative Council, as to what proceedings are therein, with relation to the Bill sent up from this House to that Honourable Body, intituled "*An Act for preventing any failure of Justice in respect of complaints of undue Elections or Returns of Members of the Legislative Assembly of this Province at the last general Election*," and to make Report thereof to this House, reported that they had inspected the said Journals, accordingly, and taken copies of the proceedings of their Honours thereupon, and the Report was received and read, as followeth : —

Report.

Your Committee, in obedience to Your Honourable House, proceeded to the office of the Clerk of the Honourable the Legislative Council, and having searched the Journals of that Honourable House, beg leave to report, as follows : —

*Tuesday, 20th July, 1841.*

"A Message was brought from the Legislative Assembly, by Sir *Allan Napier MacNab*, and others, with a Bill entitled '*An Act for preventing any failure of Justice in respect of complaints of Undue Elections or Returns of Members of the Legislative Assembly of this Province, at the last General Election*,' to which they desire the concurrence of this House.

"The said Bill was read for the first time.

"*Ordered* — That fifty copies of the said Bill be printed for the use of members.

"*Ordered* — That the last mentioned Bill be read a second time on *Thursday* next.

*Wednesday, 21st July, 1841.*

"The Honourable Mr. *Morris* moved, that it be

"*Resolved* — That a Message be sent to the Legislative Assembly, to request that they will be pleased to communicate to the Legislative Council, the evidence upon which they passed the Bill entitled '*An Act for preventing any failure of Justice in respect of complaints of undue Elections or Returns of Members of the Legislative Assembly of this Province, at the last General Election*.'

"The question of concurrence being put, the same was agreed to by the House, and it was

"*Ordered* — That the Master in Chancery do carry the said Message to the Legislative Assembly.

"The Master in Chancery sent to the Legislative Assembly, this day, to request that they will be pleased to communicate to this House the evidence upon which they passed the Bill intituled '*An Act for preventing any failure of Justice in respect of complaints of undue Elections or Returns of Members of the Legislative Assembly of this Province at the last General Election*,' acquainted the House that the Assembly return for answer that they will send an answer by messengers of their own.

*Thursday, 22d July, 1841.*

"The Order of the day being read, for reading a second time the Bill intituled '*An Act for preventing any failure of Justice in respect of complaints of undue Elections or Returns of Members of the Legislative Assembly of this Province at the last General Election*,' it was

"*Ordered* — That the same be discharged.

*Wednesday, 4th August, 1841.*

"A message was brought from the Legislative Council, by Sir *Allan Napier MacNab*, and others, as follows : —

(*See the Message from the Assembly.*)



Report.

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"The said Message was then read by the Speaker, and afterwards by the Clerk, together with the Schedule of the documents accompanying it.

"It was moved,

"That a Select Committee of five members be appointed, for the purpose of considering the Message and Documents received this day from the Legislative Assembly, and to report to this House whether the evidence offered by the Assembly be sufficient to sustain the preamble of the Bill intitled '*An Act for preventing any failure of Justice in respect of complaints of undue Elections or Returns of Members of the Legislative Assembly of this Province at the last General Election.*'

"The question was put thereupon, it was

"Resolved — In the Affirmative.

"Ordered — That the Committee be, the Honourable Messieurs DeBlaquiere, Morris, Pemberton, John Fraser and Bruneau, to meet and adjourn as they please.

"The Honourable Mr. Sullivan gave notice that he would move, on Friday next, that the last mentioned Bill be restored to the Order of the day.

"It was moved that the Select Committee appointed this day be discharged.

"The question was put thereupon, it was

"Resolved — in the Affirmative.

Friday, 6th August, 1841.

"Pursuant to notice, the Honourable Mr. Sullivan moved that the Bill intitled '*An Act for preventing any failure of Justice in respect of complaints of undue Elections or Returns of Members of the Legislative Assembly of this Province at the last General Election.*' be restored to the Order of the day, and that the said Bill be read a second time on Monday next.

"The question of concurrence being put, the same was carried in the Affirmative, and it was

Ordered accordingly.

Tuesday, 10th August, 1841.

"The Order of the day being read, for a second reading of the Bill entitled '*An Act for preventing any failure of Justice in respect of complaints of undue Elections or Returns of Members of the Legislative Assembly of this Province at the last General Election.*' it was

Ordered — That the same be discharged.

Ordered — That the last mentioned Bill, and the Message from the Legislative Assembly communicated to this House on the 30th ultimo, be referred to a Select Committee, to report thereon for the information of this House; and that it be an instruction to such Committee to examine and inquire if there is any, and what evidence in the said Message, or the documents which accompany the same, in proof of the Preamble of the Bill intitled '*An Act for preventing any failure of Justice in respect of complaints of undue Elections or Returns of Members of the Legislative Assembly of this Province at the last General Election.*'

Ordered — That the Honourable Messieurs De Blaquiere, Pemberton, Alexander Fraser, Bruneau and McDonald, do compose such Committee.

Friday, 20th August, 1841.

"The Honourable Mr. Pemberton, from the Select Committee, to whom was referred the Bill intitled '*An Act to prevent any failure of Justice in respect of complaints of undue Elections or Returns of Members of the Legislative Assembly of this Province at the last*'

Report.

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'*General Election*,' together with the evidence transmitted by the Assembly on which the same was founded, present their Report.

"*Ordered* — That it be received, and —

"The same was then read by the Clerk as follows : —

COMMITTEE ROOM, LEGISLATIVE ASSEMBLY, }  
18TH AUGUST, 1841.

"The Select Committee to whom was referred the Bill intitled "*An Act for preventing any failure of Justice in respect of complaints of undue elections or returns of Members of the Legislative Assembly of this Province at the last General Election*," together with the Message and Documents received from the Legislative Assembly on the 4th instant, containing the evidence upon which the said Bill was founded, beg leave to report : —

"That they have, in accordance with the instruction received from your Honourable House, taken the said Message and Documents into their attentive consideration, and that they do not find in the said Message and Documents any evidence in support of the preamble of the said Bill.

"All which is respectfully submitted,  
(Signed)

G. PEMBERTON,  
Chairman.

*Ordered* — That the last mentioned Bill, and the Report thereon, be committed to a Committee of the whole House.

*Ordered* — That the House be put into a Committee upon the said Bill and Report, on *Monday* next.

*Monday, 23d August, 1841.*

"The Order of the day being read for putting the House into a Committee of the whole upon the Bill, intitled "*An Act for preventing any failure of Justice in respect of complaints of undue elections or returns of Members of the Legislative Assembly of this Province at the last General Election*," and the Report of the select Committee thereon, it was.

*Ordered* — That the same be discharged, and that the said Bill and Report do stand upon the orders of the day for to-morrow.

*Tuesday, 24th August, 1841.*

"The Order of the day being read, for the House to be put into a Committee of the whole upon the Bill intitled "*An Act for preventing any failure of justice in respect of complaints of undue elections or returns of Members of the Legislative Assembly of this Province at the last general Election*," together with the Report of the select Committee thereon, it was.

*Ordered* — That the same be discharged, and that the said Bill and Report do stand upon the Orders of the day for to-morrow, immediately below the third readings of the Bills.

*Wednesday, 25th August, 1841.*

"The House according to order was adjourned, during pleasure, and was put into a Committee of the whole House on the Bill intitled "*An Act for preventing any failure of justice in respect of complaints of undue elections or returns of Members of the Legislative Assembly of this Province at the last general election*," and the Report thereon.

"After some time, the House was resumed, and the Honourable Mr. Bruneau, reported that the Committee had risen."

*Ordered* — That the Petitions of divers inhabitants of the Township of *Oakland*, presented to the House on the 22nd of *June* last, and of *James Covernton*, and others, Magistrates and inhabitants of the District of *Talbot*, presented to the House on the 5th of *July* last, be re-

Petitions of divers  
inhabitants of *Oakland*  
and *J. Covernton*  
and others, referred  
to Committee on  
Petition of  
*S. Garnsey*.

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ferred to the select committee, to which was referred the Petition of *Samuel Garnsey*, and others, inhabitants of the Township of *Bayham*.

Members added.

*Ordered* — That Captain *Steele*, and Mr. *Child*, be added to the said Committee.

On motion of Mr. *Johnston*, seconded by Mr. *Powell*.

Address to His Excellency for Documents respecting Survey of Ottawa, ordered.

*Resolved* — That an humble address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, copies of any Reports from any Engineers, or other persons, employed under the Board of Works or otherwise, in relation to a survey of the *Ottawa* River, and the improvements thereon contemplated in His Excellency's Message of the 26th instant; the time occupied in such surveys; the expenses attending such surveys; and the several localities upon which it is proposed to make the improvements alluded to in such Message.

*Ordered* — That the said address be presented to His Excellency by such Members of this House, as are of the Honourable the Executive Council of this Province.

Seven members of Committee on schools declared a quorum.

On motion of Mr. Solicitor General *Day*, seconded by Mr. *Prince*.

*Resolved* — That seven Members of the select Committee to which was referred the Bill to repeal certain Acts therein mentioned, and to make provision for the establishment and maintenance of Common Schools throughout this Province, and other references, be declared and be a Quorum for all the purposes of the said References.<sup>1</sup>

Committee on Petition of R. E. Vidal and others. Report Bill to authorize G. Durand to construct a Mill Dam.

Mr. *Cameron*, from the select Committee to which was referred the Petition of *R. E. Vidal*, and others, inhabitants of the Township of *Sarnia*, with power to report by Bill or otherwise, presented to the House a Bill to empower *George Durand*, Esquire, to construct a Canal for Mill purposes in the Township of *Sarnia*, which was received and read for the first time.

*Ordered* — That the said Bill be read a second time, on *Wednesday* next,

Mr. Viger added to Committee on Schools.

*Ordered* — That the Honourable Mr. *Viger*, be added to the select Committee, to which was referred the Bill to repeal certain Acts therein mentioned, and to make provision for the establishment and maintenance of Common Schools throughout this Province, and other references.

Leave of absence to Mr. Hale.

*Ordered* — That Mr. *Hale*, have leave to absent himself from this House until the 15th of *September* next, upon public business.

Bill to establish Court of Impeachments brought in.

*Ordered* — That Mr. *Prince*, have leave to bring in a Bill to establish a Court in this Province, for the trial of impeachments.

He accordingly presented the said Bill to the House and the same was received and read for the first time.

**Col. Prince** ... stated that efforts had been made to carry the measure in Lower Canada, which had failed, and urged its importance. He said it was not clear that the power did not already exist, but as there might be a doubt of it, he thought it better to set the doubt at rest.<sup>2</sup>

**Mr. Baldwin** felt some difficulty on the question; he hoped, however, that the Bill would not be pressed this session.<sup>3</sup>

**Mr. Neilson** said, the Province had been fifty years seeking the advantages which the British Constitution offered to us, and (sic) he feared it would be fifty years more before we obtained them.<sup>4</sup>

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*Ordered* — That the said Bill be read a second time on *Friday* next.

L. C. Creditors relief Bill brought in.

*Ordered* — That Mr. *Burnet*, have leave to bring in a Bill, to extend the benefits of a certain Act of the Legislature of *Upper Canada*, to creditors resident in *Lower Canada*.



He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time on *Wednesday* next.

Chairman of Com. of whole on Mr. Black's 4 Criminal Bills reports amendments.

Mr. *Johnston*, from the Committee of the whole House, on the Bill for improving the administration of Criminal Justice in this Province; the Bill for consolidating and amending the laws in this Province relative to offences against the person; and the Bill for consolidating and amending the laws relative to larceny, and other offences connected

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therewith; and the Bill for consolidating and amending the laws in this Province relative to malicious injuries to property; reported, according to order, the amendments made by the Committee to the said Bills, which amendments were again read at the Clerk's Table.

*Ordered* — That the question of concurrence be now separately put, upon the amendments made to the Bill for improving the administration of Criminal Justice in this Province.

And the said amendments being again severally read, and the question of concurrence being separately put upon each, they were agreed to by the House.

Amendments to Criminal Justice Bill agreed to.

Last clause of Bill amended.

*Ordered* — That the words "on the 1st day of *January*, one thousand eight hundred and forty two," in the last clause of the said Bill, be struck out, and the following substituted, in lieu thereof; — "from and after the end of the next Session of the Provincial Parliament."<sup>5</sup>

44th clause expunged.

*Ordered* — That the 44th clause of the said Bill, respecting the competency of Witness in prosecutions for forgery, be expunged.

Bill to be engrossed.

*Ordered* — That the said Bill as amended be engrossed.

*Ordered* — That the question of concurrence be now separately put upon the amendments, made to the Bill for consolidating and amending the laws in this Province, relative to larceny, and other offences connected therewith.

Amendments to Larceny Bill agreed to.

And the said amendments being again severally read, and the question of concurrence being separately put upon each, they were agreed to by the House.

1st clause of Bill amended.

*Ordered* — That the words "on the 1st day of *January*, one thousand eight hundred and forty two," in the 1st clause of the said Bill, be struck out, and the following words substituted, in lieu thereof: — "from and after the end of the next Session of the Provincial Parliament."<sup>6</sup>

Bill to be engrossed.

*Ordered* — That the said Bill, as amended be engrossed.

*Ordered* — That the question of concurrence be now put upon the amendment, made to the Bill for consolidating and amending the Laws in this Province, relative to malicious injuries to property.

Amendment to Bill respecting malicious injury to property agreed to.

And the said amendment being again read, and the question of concurrence being put thereon, it was agreed to by the House.

1st clause of Bill amended.

*Ordered* — That the words "on the 1st day of *January*, one thousand eight hundred and forty two," in the first clause of the said Bill, be struck out, and the following words substituted, in lieu thereof: — "from and after the end of the next Session of the Provincial Parliament."<sup>7</sup>

Bill to be engrossed.

*Ordered* — That the said Bill, as amended, be engrossed.

*Ordered* — That the question of concurrence be now separately put upon the said amendments, made to the Bill for consolidating and amending the Laws in this Province relative to offences against the Person.

Amendments to Bill respecting offences against the person agreed to.

And the said amendments being again severally read, and the question of concurrence being separately put upon each, they were agreed to by the House.

1st clause amended.

*Ordered* — That the words "on the 1st day of *January*, one thousand eight hundred and forty two," in the first clause of the said Bill, be struck out, and the following words substituted, in lieu thereof: "from and after the end of the next Session of the Provincial Parliament." <sup>8</sup>

Bill to be engrossed.

*Ordered* — That the said Bill, as amended, be engrossed.

Chairman of Committee of whole on payment of losses arising from rebellion in L. Canada reports Resolution.

Mr. *Turcotte*, from the Committee of the whole House, to take into consideration the expediency of making provision for the payment

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of all just claims arising in that part of the Province formerly called *Lower Canada*, out of the late Rebellion and Invasions of that part of this Province, reported, according to order, the Resolution of the said Committee; which Resolution was again read at the Clerk's Table, and agreed to by the House, and is as followeth: —

Resolution.

*Resolved* — That it is expedient to make provision and provide for the payment of all just claims, arising in that part of this Province formerly called *Lower Canada*, out of the late Insurrections and Invasions in that portion of this Province, not to exceed the sum of twenty thousand pounds, currency, to be raised by Debentures.

Bill for payment of claims arising from rebellion in L. Canada brought in.

*Ordered* — That Mr. Solicitor General *Day* have leave to bring in a Bill, to ascertain and provide for the payment of all just claims arising in that part of the Province formerly called *Lower Canada*, out of the late Rebellion and Invasions in that portion of this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Thursday* next.

Bill to erect Haldimand into a separate District read 2nd time.

A Bill to erect the County of *Haldimand* into a separate District, by the name of the District of *Manchester*, was, according to Order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Monday* next.

Order for 2nd reading L'Assomption College Bill postponed.

The Order of the day, for the second reading of the Bill, to incorporate the College of *L'Assomption*, in the County of *Lienster*, being read,

*Ordered* — That the said Order of the day be postponed until tomorrow.

Order for 2nd reading Bill to render Vice Admiralty Judge ineligible, postponed.

The Order of the day, for the second reading of the Bill to render the Judge of Her Majesty's Court of Vice Admiralty ineligible to the Legislative Assembly of this Province, being read,

*Ordered* — That the further consideration of the said Bill be deferred.

Bill to extend a certain Ordinance to a road on North side of St. Charles, read 2nd time.

A Bill to extend the provisions of an Ordinance therein mentioned, to a certain Road in the *North* side of the River *Saint Charles*, in the District of *Quebec*, was, according to Order, read a second time.

*Ordered* — That the said Bill be engrossed.

Bill for a French translation of the Statutes, read 2nd time.

A Bill to provide for the translation into the *French* language of the laws of this Province, and for other purposes therein mentioned, was, according to order, read a second time.

*Ordered* — That the said Bill be engrossed.

Quebec Board of Trade Bill read 2nd time.

A Bill to incorporate the *Quebec* Board of Trade, was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House, on *Wednesday* next.

Order for 2nd reading of Pot and Pearl

The Order of the day, for the second reading of the Bill to regulate the inspection of Pot and Pearl Ashes, being read,

Ashes Inspection Bill postponed.

House in Com. on addressing His Exclty. to pardon political offenders, and on petition of J.W. Woolsey.

*Ordered* — That the said Order of the day be postponed until to-morrow.

The Order of the day, for the House in Committee, to consider the expediency of addressing His Excellency, the Governor General, to grant a free pardon for all offences committed during the late political

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disturbances in *Upper and Lower Canada*, and on the Petition of *J. W. Woolsey*, Esquire, and others, of *Quebec*, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Barthe* took the chair of the Committee.<sup>9</sup>

The hon. member ((**Mr. Neilson**))... was strongly in favour of his proposition, urging it upon the house as the only means whereby — “peace and happiness, truth and justice, religion and piety were to be established among us for ever.”<sup>10</sup> He spoke in strong terms of the sufferings of some of the persons who had been engaged in the late troubles. He was aware that it was not the province of the House to interfere, except by petition or address, that it was a prerogative of the Crown to shew mercy, but when it was considered that England was 4000 miles distant, and how little acquainted Her Majesty could possibly be with the real circumstances of the case, he thought that the address he now proposed was but just and reasonable. He then proposed his address, which entreated a free pardon for all offences, and for all persons without exception, who had been implicated in the late rebellion.<sup>11</sup>

**Dr. Dunlop** said he should feel it to be his duty to oppose that motion. It had long been and ever would remain to be a puzzle to jurists and legislators to apportion punishment to crime. Two errors, they were liable to commit; over leniency encouraged crime, and over severity defeated the object of punishment, as it led the world to pity rather than to detest the criminal.<sup>12</sup> He allowed it *was* possible that either through a mistaken zeal, or lamentable ignorance, *some unfortunate beings* might have been led away by the voice of “the charmer,” but between such men and the turbulent and malignant agitator he made a wide difference. To extend mercy, said the member for Huron, the very ringleaders, who are even at this moment conspiring the destruction of the colony — would not only be a mistaken leniency, but an encouragement to all others who might devote their energies to a career of crime.<sup>13</sup> No man who knew him would accuse him of inhumanity, — yet on this occasion, he would say, that he was not prepared to go all the lengths of the Hon. Member for the county of Quebec. He would modify the request to the Throne, and confine it to those ignorant individuals who had been led by artful and designing demagogues, who were men of education, into a deviation from their duty (sic) to their Queen and their country.<sup>14</sup>

**Mr. Johnston**, the member for Carleton, followed on the same side, saying that he was disposed to take into consideration the inexperience of those who as minors, had been betrayed by the artful machinations of demagogues and miscreants, to unite in revolutionizing the country; but to extend pardon to the authors and promoters of rebellion, he never would consent, though *his* voice should be the only one that uttered the negative to the one now before the House. —<sup>15</sup> Mr. Johnston would never consent to vote for the pardon of persons, who had made widows and orphans at the Windmill and other places. The supporters of this measure could sympathize with those rascals, but they had no sympathy for those whom their crimes had rendered destitute and defenceless. He would like to know how often the mover of this address had put his hands into his pockets to relieve them, as he had done no longer ago than yesterday. He could not forget the treatment of Dr. Hume, Captain Ussher, and many others, by about forty or fifty villainous leaders; and yet it was the object of the address to pardon them all, Mackenzie, Lett, &c. and bring them back again to repeat their abominable practices.<sup>16</sup> Talk of mercy! said the hon. member, what quality of such a character, existed in the breasts of those, whose bloody hands lopped off the legs of an individual who fell within their murderous grasp, sparing neither age nor sex, but with a ruthless hand destroying in cold blood every one whom chance or helplessness placed within the reach of their savage fury! Who, said the hon. member, will dare to stand up and claim a kindred sympathy with the ruffian Lett? — or plead in favour of a Mackenzie or a Papineau? — Let that man who has a heart within his bosom that beats with such a sympathy, stand forward and with blustering front proclaim his degeneracy; but for me, — while the lifeblood flows warm within my veins, I will never seal my condemnation



by an avowal so base and so unworthy of a British subject. The hon. member then moved an amendment, that the address have respect to those only, who now living in the States, were under the age of 21 when they perpetrated their wickedness.<sup>17</sup>

**Captain Steele** would have his vote recorded for the motion. He hoped the voice of humanity would prevail — it was compatible with the conduct of brave men — the battle had been fought, and victory won — and he would encourage the same feeling which existed in the British Navy, which had often led him, after the battle, to seat the conquered by his side and enjoy a social glass together. He thought the Hon. and venerable Member entitled to their thanks for introducing the measure.<sup>18</sup>

**Dr. Dunlop** asked him — “Would you like to hobnob with Mackenzie?” — (A laugh.)<sup>19</sup>

**Mr. Baldwin** deprecated discussion, which would probably defeat the measure and weaken its effect. He had been led to expect that a proposition for an amnesty would have proceeded from the Treasury Benches, but he was disappointed, and his Hon. friend had nothing left for him but to bring forward his motion. He trusted that acrimonious expressions would be avoided, and he felt grateful to the gallant Member (Capt. Steele) for his manly declaration. He trusted that all would be disposed to forgive and to forget, and to bury the past in oblivion. He thought the application should be a general one, or that no application at all should be made. He was aware that it was the prerogative of the Crown to pardon, and, he had no doubt, it was often a most painful duty to select objects who were entitled to receive it.<sup>20</sup>

**Mr. Attorney General Ogden** rose to express a hope that the Hon. Member would withdraw his motion. It had been admitted, in the British House of Commons, in the case of Hunt and others, that it would be improper to interfere with the prerogative of the Crown. The duty which devolved upon Her Majesty was often a most painful one — and as difficult as painful. Sir Robert Peel was taunted not a little, because he would not interfere on behalf of the Chartists; but he replied, that it was not the province of the House of Commons, that it was exclusively the prerogative of the Crown, and he refused to interfere. He trusted that the Hon. gentleman would do the same, and he might be assured justice would be done.<sup>21</sup>

**Mr. Thorburn** would oppose the amendment. ((One)) of the individuals alluded to, he believed, was in France. He believed the difference of opinion, in the House of Commons, was so great, that the motion was negatived by the casting vote of the Chairman, the numbers being 58 to 58. He thought the measure proposed would put an end to all sympathy — and the persons who had prompted these measures sink into insignificance — in fact they had already done so, and were unable to get two boys to follow them. He thought if a general amnesty was passed, peace and goodwill would follow.<sup>22</sup> The great end of punishment, he remarked, was to deter others from committing crime. — Continuing his observations, the hon. member was of opinion that by the amnesty that was sought for, we should disarm a party that had been hitherto formidable — but who being now fallen and degraded, would, if *they* were permitted to return to this country be as powerless as they had at one time been influential.<sup>23</sup>

**Mr. Attorney Draper** would ask whether the time had arrived, when a general amnesty would be desirable. He was glad to find that the House was not disposed to charge the Government with culpable neglect — and he could assure Hon. Members, that they did no more than justice. The most prompt attention had been paid to applications for the exercise of pardon, and there were many, at that moment, whose case was under the most anxious consideration. He could not, of course, mention names. He, however, must add, that there was nothing that he knew of, to prevent any one not under prosecution from returning. The statute required, that all prosecutions must commence within three years of the time in which the offence was charged to have been committed, and more than the period had elapsed. In 1838 or 1839, a general proclamation had been made, that all those who chose to return, should have a free pardon, and very many did. He was not much acquainted with the proceedings in the lower part of the Province, but, with regard to the upper portion of it, he could assure Hon. Members that every attention had, and would continue to be paid to applications for the exercise of pardon, whenever it could be granted consistently with the safety, peace, and security of the Province.<sup>24</sup>

**Mr. Neilson** said the case of England was very different from that of Canada, and also the cases cited by the Attorney General; though, to be sure, that of the Chartists was something like it. He would be the last man in the House to control the prerogative of the Crown, but he felt that the application ought to be of a general nature, not to presume to say who ought, or who ought not to be the subject of mercy.<sup>25</sup>

**Mr. Johnston** said he would persist in an amendment, that no person who had been convicted, who was of an age above twenty-one years, should be pardoned.<sup>26</sup>

**Mr. Neilson** said he was anxious for this expression of the House on this subject — which would go far to prove that angry feeling had subsided.<sup>27</sup>

**Col. Prince** said he should vote for the Address but he hoped his Hon. friend from Huron (Dr. Dunlop) would suggest a modification of it — he would not do so himself — and if some other gentlemen did not, he would vote for the address as it stood. He thought it would not be right in that House to say whether A B, or C D, should be pardoned, but to proceed on the broad principle of mercy, — “It might be thought,” said Mr. P., “very singular that I should be the advocate for the pardon of these persons — I care little or nothing for what is said or thought upon the subject — I am guided by principles of Christianity and honesty, which I hold to be above all other considerations.”<sup>28</sup> He denied that the case of Mr. Hunt, which had been alluded to in the House of Commons, was at all applicable to the case of these unfortunate though guilty men. He had no doubt that many of them, if pardoned, would return, and become loyal and good subjects. The Colonel alluded, in pointing terms, to the want of attention, and the delay which took place in attending to addresses to the Home Government, and noticed a case of hardship in the neglect of Mr. Manahan’s application for redress. He should support the motion for the address, without fear of what the Tory press should say of him, for which he cared as little as any man; he knew that three hundred of his constituents, Magistrates, farmers, and men of the most respectable character, have approved his conduct, and he cared not for a vicious and malignant press. He observed, too, that many of those who opposed the exercise of this mercy, were such as, like the grub in the kernel of the nut, were safely protected at the time alluded to. He concluded by saying he hoped his friend from Quebec (Mr. Neilson) would amend his motion, and make it less general; but at any rate he, Col. Prince, would vote for it.<sup>29</sup>

**Sir Allan MacNab** ... What said the gallant Knight, with atrocities and sufferings that can never be too frequently execrated, nor too deeply deplored, yet recking in our recollections, are we now called upon to extend the hand of fellowship to those who were the reckless and unprincipled authors of them? Was but so short a period only elapsed before our sympathies are appealed to in behalf of men, who though they have not the power have however all the inclination unweakened by the lapse of time, of plunging us again into those scenes of crime and bloodshed which raised them into notoriety? Talk not of sympathy said the gallant Knight, of sympathy with the midnight assassin, the plundered and the incendiary!! — Where, where is the sympathy to be found, in the hearts of those, who advocate *their* cause, for the widows and orphans left desolate by their murderous hands. No man said the hon. member is more alive than myself to the warm feelings that animate our nature, but when amidst the struggles of Canadian life, I reflect upon the sanguinary and atrocious conduct of those who would have desolated the land, and delivered us over to the mercies of a savage horde of neighbouring enemies, can I a Canadian by birth, bound by every tie to the soil, and by every bond of human affection that can stimulate a loyal heart to stand forward in defence of it — can I reckless of the past, and indifferent to the future, coolly sanction a measure that is to let loose upon the country those restless and unhappy spirits, that are only impotent because they are exiled — only penitent because they are punished — are only harmless because they are disarmed. No, Sir, the same feeling that animated me to expose myself to the rigours of climate and to the perils of open or midnight attacks, from those men, who aided by a crew of ruffians from the States were seeking every opportunity to destroy us, the same feeling now impels me to oppose that extension of mercy to them which their callous hearts denied to the appeals of others. In expressing these sentiments Sir, I stand forward fearlessly at the bar of public opinion, being fully assured, that although they may not be approved of by all, they will nevertheless respond to the feelings of those, who with interests to protect and with sympathies kindred to my own, will warmly support them as the emanation of true patriotism, without which no man can be a lover of his country, a supporter of its laws, a friend to its institutions or an example of loyalty and fidelity to his fellow subjects.<sup>30</sup>

**Mr. Buchanan** was decidedly opposed to a general amnesty. The hon. members (sic) objections were that it would give encouragement to those who were actually organizing invasion. On a future occasion should his services be similarly required to what they had been during the late revolution, he declared he would only give them to shoot every villain in arms against the country. — With these views thinking that a general return would only expose many to destruction, he most determinedly opposed *all* efforts for a *general* amnesty.<sup>31</sup>

**Dr. Dunlop** readily assented to the gallant Colonel's proposition, and suggested an amendment, to the effect — that mercy should be shewn to such of the offenders, as Her Majesty should think it right. He would be glad to see back all the misguided, and those who were misled, but he would not endorse the application for the return of those, who, if they came back, it would be the want of power rather than of inclination, if they did not further mischief.<sup>32</sup>

**Mr. Moffatt** thought that if the well understood wishes of the people were properly expressed, it would contribute to promote the ends of justice ; he could not, however, vote for the pardon of all without distinction.<sup>33</sup> ((He)) thought the interference of the House might be injurious.<sup>34</sup>

**Mr. Attorney General Ogden** hoped that the motion would be withdrawn, it was the undoubted prerogative of the Crown ; and when a similar measure had been proposed in the British House of Commons, Sir Robert Peel had refused to entertain it, on that principle he considered it an unconstitutional measure.<sup>35</sup>

**Mr. Harrison** felt the difficulty of making the application general — or, indeed, of making it at all. He was glad to find that no complaint was made against the Government, for any want of attention to such cases as had been brought before them. The utmost anxiety had been felt to comply with such applications as had been made. It was, undoubtedly, the prerogative of the Crown to pardon, and not of that House, though he was not disposed to say there was any thing unconstitutional in an Address, petitioning that the attribute of mercy might be displayed on this occasion.<sup>36</sup>

**Mr. Viger** spoke in strong terms of the cruelties which had been inflicted on the Lower Canadians, and supported the motion.<sup>37</sup>

**Mr. Hincks** said he had expected a measure of the kind would have long since emanated from the treasury benches. — He did not intend to convey blame to the government ; he was aware that in many instances its clemency had been exercised, which had deserved and obtained the gratitude of those who were the subjects of it, and he should vote for the motion.<sup>38</sup>

**Sir Allan MacNab** would be sorry to hurt the feelings of any one, but he could not support the measure, and very pointedly alluded to *some demagogues who have misled the country into ACTS OF REBELLION* ... and ((he said)) that he was treading upon a mine, which a single spark would have exploded.<sup>39</sup>

**Mr. Roblin** also addressed the Committee ; he deprecated the conduct of the leaders of the rebellion.<sup>40</sup>

**Mr. Merritt** supported the measure, and said the leaders of the rebellion were now become perfectly harmless.<sup>41</sup>

**Mr. Morin** thought the measure would have a good effect upon the country generally.<sup>42</sup>

**Mr. Aylwin** ... said that the trial and conviction of these men by a Court Martial was illegal.<sup>43</sup>

**Mr. Chesley** said he would oppose the measure in all shapes and in all its stages. — He disclaimed vindictive motives, but said he'd had this house burned over his head and his family turned into the fields in the most wanton manner.<sup>44</sup>

**Mr. Day** contended that the House was not the channel of mercy, but that it was the prerogative of the Crown, tho' he did not agree with his learned friend the Attorney General East, that it would be unconstitutional for that House to address Her Majesty.<sup>45</sup>



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and after some time spent therein,

Mr. Speaker resumed the chair,

Resolution reported.

And Mr. *Barthe* reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and is as followeth :

Resolution.

*Resolved* — That it is the opinion of this Committee, that an humble Address be presented to His Excellency, the Governor General, as representing the Crown in this Province, praying the Exercise of the Royal Prerogative for granting a free pardon, indemnity, and oblivion of all crimes, offences, and misdemeanors, "*That the Royal mercy be extended to such of Her Majesty's misguided subjects as may be compatible with the safety of the Crown, and of this Province,*" connected with the late unhappy troubles in the late Provinces of *Upper and Lower Canada*, committed, or supposed to have been committed, within the last four years ; and of all attainders and outlawries during the same period, and of all sentences or judgments, from Civil or Military Courts, amounting to such attainders and outlawries ; most humbly assuring His Excellency that whenever it may please Her Most Gracious Majesty, through Her Representatives, and out of Her own free Will, pleasure, and mere motion, to transmit a Bill to that effect to the Provincial Legislature, the same will be received and accepted by the Legislative Assembly, with humble gratitude, and will tend still more to confirm Her Majesty's faithful subjects in this Province in their affection to their Sovereign, and to strengthen the connexion which happily exists between this Province and Her Majesty's Empire.<sup>9</sup>

Motion to concur  
in resolution.

Mr. *Neilson* moved, seconded by Mr. *Baldwin*,

That this House doth concur with the Committee in the said Resolution.

Previous question  
moved.

The Honourable Mr. *Moffatt*, moved, seconded by Mr. Attorney General *Ogden*, the previous question, viz.

Shall the main question be now put ?<sup>1</sup>

The House divided, and the names being called for, they were taken down, as followeth :

## YEAS.

<i>Armstrong,</i>	<i>De Salaberry,</i>	<i>Morris,</i>	<i>Small,</i>
<i>Aylwin,</i>	<i>Dunn, Hon. J.H.</i>	<i>Neilson,</i>	<i>Smith, (Fron.)</i>
<i>Baldwin,</i>	<i>Durand,</i>	<i>Parent,</i>	<i>Smith, (Went.)</i>
<i>Barthe,</i>	<i>Dunlop,</i>	<i>Powell,</i>	<i>Steele,</i>
<i>Boutillier,</i>	<i>Hincks,</i>	<i>Price,</i>	<i>Taché,</i>
<i>Buchanan,</i>	<i>Hopkins,</i>	<i>Prince,</i>	<i>Taschereau,</i>
<i>Child,</i>	<i>Kimber,</i>	<i>Quesnel,</i>	<i>Thompson,</i>
<i>Christie,</i>	<i>McDonald, (Pres.)</i>	<i>Raymond,</i>	<i>Thorburn,</i>
<i>Cook,</i>	<i>Merritt,</i>	<i>Ruel,</i>	<i>Turcotte,</i>
<i>Daly, Hon. D.</i>	<i>Morin,</i>	<i>Simpson,</i>	<i>Viger, Hon. D.B.</i>

(40).

## NOES.

<i>Burnet,</i>	<i>Hale,</i>	<i>McLean,</i>	<i>Roblin,</i>
<i>Cartwright,</i>	<i>Harrison, Hon. S.B.</i>	<i>Moffatt, Hon. G.</i>	<i>Sherwood,</i>
<i>Chesley,</i>	<i>Holmes,</i>	<i>Moore,</i>	<i>Watts,</i>
<i>Day, Hon. C.D.</i>	<i>Johnston,</i>	<i>Ogden, Hon. C.R.</i>	<i>Williams,</i>
<i>Draper, Hon. W.H.</i>	<i>McNab, Sir A.N.</i>	<i>Parke,</i>	<i>Woods,</i>
<i>Foster,</i>	<i>McDonald, (Glen.)</i>	<i>Robertson,</i>	<i>Yule. — 25.</i>
<i>Gilchrist,</i>			

Question carried.

So it was carried in the Affirmative.

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The question being then put upon the main motion,

A division again ensued, and the names being called for, they were taken down as followeth : —

## YEAS.

<i>Armstrong,</i>	<i>Dunn, Hon. J.H.</i>	<i>Powell,</i>	<i>Smith, (Went.)</i>
<i>Aylwin,</i>	<i>Durand,</i>	<i>Price,</i>	<i>Sherwood,</i>
<i>Baldwin,</i>	<i>Hincks,</i>	<i>Prince,</i>	<i>Steele,</i>
<i>Barthe,</i>	<i>Hopkins,</i>	<i>Quesnel,</i>	<i>Taché,</i>
<i>Boutillier,</i>	<i>Kimber,</i>	<i>Raymond,</i>	<i>Taschereau,</i>
<i>Buchanan,</i>	<i>McDonald, (Pres.)</i>	<i>Roblin,</i>	<i>Thompson,</i>
<i>Child,</i>	<i>Merritt,</i>	<i>Ruel,</i>	<i>Thorburn,</i>
<i>Christie,</i>	<i>Morin,</i>	<i>Simpson,</i>	<i>Turcotte,</i>
<i>Cook,</i>	<i>Morris,</i>	<i>Small,</i>	<i>Viger, Hon. D.B.</i>
<i>Daly, Hon. D.</i>	<i>Neilson,</i>	<i>Smith, (Fron.)</i>	<i>Woods. — 42.</i>
<i>De Salaberry,</i>	<i>Parent,</i>		

## NOES.

<i>Burnet,</i>	<i>Foster,</i>	<i>MacNab, Sir A.N.</i>	<i>Ogden, Hon. C.R.</i>
<i>Cartwright,</i>	<i>Gilchrist,</i>	<i>McDonald, (Glen.)</i>	<i>Parke,<sup>40</sup></i>
<i>Chesley,</i>	<i>Hale,</i>	<i>McLean,</i>	<i>Watts,</i>
<i>Day, Hon. C.D.</i>	<i>Harrison, Hon. S.B.</i>	<i>Moffatt, Hon. G.</i>	<i>Williams,</i>
<i>Draper,</i>	<i>Holmes,</i>	<i>Moore,</i>	<i>Yule. — 22.</i>
<i>Hon. W.H.</i>			
<i>Dunlop,</i>	<i>Johnston,</i>		

Main motion carried.

So it was carried in the Affirmative, and —

*Resolved* — Accordingly.

On motion of Mr. *Prince*, seconded by Mr. *Aylwin*,

Resolution re-committed.

*Ordered* — That the said Resolution be now recommitted to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. *Barthe* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair.

Resolution reported.

And Mr. *Barthe* reported, that the Committee had come to a Resolution, which Resolution was again read at the Clerk's Table, and is as followeth : —

Resolution.

*Resolved* — That it is the opinion of this Committee that an humble Address be presented to His Excellency, the Governor General, as representing the Crown in this Province, praying for the Exercise of the Royal Prerogative for granting a free pardon, indemnity and oblivion, of all crimes, offences and misdemeanors, connected with the late unhappy troubles in the late Provinces of *Upper* and *Lower Canada*, to such of Her Majesty's misguided subjects, in so far as may be compatible with the safety of the Crown, and the security of the Province, and of all attainders and outlawries during the period of four years; most humbly assuring His Excellency that whenever it may please Her Most Gracious Majesty, through Her Representative, and out of Her own free will, pleasure and mere motion, to transmit a Bill to that effect to the Provincial Assembly, the same will be received with humble gratitude, and will tend still more to confirm Her Majesty's faithful subjects in this Province in their affection to their Sovereign, and to strengthen the connexion which happily exists between this Province and Her Majesty's Empire.

*Ordered* — That the question of concurrence be now put on the said Resolution.

And the said Resolution being again read, and the question of

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Question of concurrence put.

concurrence being put thereon, the House divided, and the names being called for, they were taken down as followeth : —

YEAS.

<i>Armstrong,</i>	<i>Daly, Hon. D.</i>	<i>Neilson,</i>	<i>Small</i>
<i>Aylwin,</i>	<i>Durand,</i>	<i>Parent,</i>	<i>Smith, (Fron.)</i>
<i>Baldwin,</i>	<i>Dunlop,</i>	<i>Powel,</i>	<i>Smith, (Went.)</i>
<i>Barthe,</i>	<i>Hincks,</i>	<i>Price,</i>	<i>Taché,</i>
<i>Boutillier,</i>	<i>Hopkins,</i>	<i>Prince,</i>	<i>Taschereau,</i>
<i>Buchanan,</i>	<i>Kimber,</i>	<i>Quesnel,</i>	<i>Thompson,</i>
<i>Cameron,</i>	<i>Merritt,</i>	<i>Raymond,</i>	<i>Thorburn,</i>
<i>Child,</i>	<i>Moore,</i>	<i>Robertson,</i>	<i>Turcotte,</i>
<i>Christie,</i>	<i>Morin,</i>	<i>Roblin,</i>	<i>Viger, Hon. D.B.</i>
<i>Cook,</i>	<i>Morris,</i>	<i>Ruel,</i>	(39).

NOES.

<i>Chesley,</i>	<i>Johnston,</i>	<i>McDonald, (Glen.)</i>	<i>Moffatt, Hon. G.</i>
<i>Foster,</i>	<i>MacNab, Sir A.N.</i>	<i>McLean,</i>	<i>Watts. — 9.</i>
<i>Hale,</i>			

Question carried.

So it was carried in the affirmative, and —  
*Resolved* — Accordingly.

*Ordered* — That the said address be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council of this Province.

Mr. *Thorburn* moved, seconded by Mr. *Thompson*,

Motion to allow Petitioners, and sitting member for Niagara to give in additional list of witnesses.

That *Robert Melville* and *John McBride*, electors of the Town of Niagara, complaining of the undue election and return of *Edward Clarke Campbell*, Esquire, sitting member for the said Town of *Niagara*, and the said *Edward Clarke Campbell*, Esquire, be allowed to deliver in to the Clerk of the House an additional list of Witnesses, on or before the 3rd day of *September* next, in the matter of the said contested election; the said list to be transmitted, by the Clerk of the House, to the Commissioners appointed to take evidence on the said contested election.

Question lost.

The question having been put upon the said motion, a division ensued, and it passed in the Negative.

House in Com. on Bill for relief of purchasers at Sheriffs' sales.

The Order of the day for the House in Committee on the Bill for the relief of purchasers at certain Sheriffs sales, made after such Sheriffs had been out of Office, being read,

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The House accordingly resolved itself into the said Committee.

Mr. *Child*, took the chair of the Committee.

Several Members having retired,

Mr. Speaker resumed the chair.

The names of the Members present were taken down, as followeth : —

Mr. Speaker,

Mr. *Baldwin*, Mr. *Burnet*, Mr. *Child*, Mr. *Cook*, Mr. *Dunlop*, Mr. *Gilchrist*, Mr. *Hale*, Mr. *Hincks*, Mr. *Hopkins*, Mr. *Merritt*, the Honourable Mr. *Moffatt*, Mr. *Morris*, Mr. *Prince*, Mr. *Roblin*, Mr. *Henry Smith*, Mr. *Thompson*, Mr. *Thorburn*, and the Honourable Mr. *Viger*.

No Quorum.

And at a quarter to 6 o'clock, P. M., Mr. Speaker adjourned the House, for want of a quorum.

Appendix. 30 August 1841.

((Question Re : Petition from Three Rivers.))

In the Legislative Assembly, in answer to an inquiry addressed to the Attorney General, East, what was the fate of a petition from Three Rivers; he Attorney Gen. (Mr. *Ogden*)



replied, if the Hon. Member had been in his place for the last two weeks, he would have known that the petition had received every attention which it deserved, but he would not pledge himself to a compliance with its requisition.<sup>47</sup>

**Mr. Aylwin** thought the petitioners from Three Rivers had just cause of complaint against the Attorney General.<sup>48</sup>

Footnotes — 30 August 1841.

1. This was necessary, according to MONTREAL GAZETTE, 2 September 1841, because "it was found impossible to get together such a quorum...."

2. MONTREAL GAZETTE, 2 September 1841.

3. IBID.

4. IBID.

5. According to MONTREAL GAZETTE, 2 September 1841, it was Draper who suggested this change in the period in which it would take effect.

6. See footnote 5, above.

7. See footnote 5, above.

8. See footnote 5, above.

9. The debate on this matter was reported by: MONTREAL GAZETTE, 2, 3, September 1841; MONTREAL GAZETTE, 15 September 1841 contained a commentary upon it; EXAMINER, 1, 8, September 1841; KINGSTON CHRONICLE, 1 September 1841 whose report was copied by WESTERN HERALD, 15 September 1841; BRITISH COLONIST, 8 September 1841. There is evidence that many more speakers took part in this debate than any of the papers reported. For example, the WESTERN HERALD, 15 September copying KINGSTON CHRONICLE, 1 September 1841, noted that "A good deal of discussion took place ... a discussion of about 4 hours...." The BRITISH COLONIST, 8 September 1841, wrote: "A great many others whose sentiments are not given, spoke on different sides during the debate, but to repeat the sayings of all, would engross the entire sheet of a newspaper without adding to the stock either of public edification or amusement."

10. BRITISH COLONIST, 8 September 1841.

11. MONTREAL GAZETTE, 2 September 1841.

12. IBID.

13. BRITISH COLONIST, 8 September 1841.

14. MONTREAL GAZETTE, 2 September 1841.

15. BRITISH COLONIST, 8 September 1841.

16. MONTREAL GAZETTE, 2 September 1841.

17. BRITISH COLONIST, 8 September 1841.

18. MONTREAL GAZETTE, 2 September 1841.

19. IBID.

20. IBID.

21. IBID.

22. IBID.

23. BRITISH COLONIST, 8 September 1841.

24. MONTREAL GAZETTE, 2 September 1841.

25. IBID.

26. IBID.

27. IBID.

28. IBID.

29. MONTREAL GAZETTE, 3 September 1841.

30. BRITISH COLONIST, 8 September 1841.

31. IBID.

32. MONTREAL GAZETTE, 3 September 1841.

33. IBID.

34. WESTERN HERALD, 15 September, citing KINGSTON CHRONICLE, 1 September 1841.

35. IBID.

36. MONTREAL GAZETTE, 3 September 1841.

37. IBID.

38. WESTERN HERALD, 15 September 1841, citing KINGSTON CHRONICLE, 1 September 1841.

39. IBID.

40. MONTREAL GAZETTE, 3 September 1841.

41. WESTERN HERALD, 15 September 1841, citing KINGSTON CHRONICLE, 1 September 1841.

42. IBID.

43. IBID.

44. IBID.

45. IBID.

46. EXAMINER, 8 September 1841: "It may be proper to observe that **Mr. Parke** subsequently declared that his vote had been given in consequence of an informality in the resolution which was afterwards amended, and that he was in favour of it."

47. MONTREAL GAZETTE, 2 September 1841.

48. IBID.

## Tuesday, 31 August 1841.

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*Petitions brought up.*

The following Petitions were severally brought up, and laid on the table : —

M. McCarty.  
A. Todd, and  
T. Patrick.

By Mr. *Dunscumb* — The Petition of *Michael McCarty*, messenger of the Legislative Assembly; and the Petition of *Alfred Todd* and *Thaddeus Patrick*, Clerks in the office of the Clerk of the Legislative Assembly.

A. Malcomson, and  
others.

By Mr. *Robertson* — The Petition of *Alexander Malcomson*, and others, inhabitants of the rear of the augmentation of the Township of *Grenville*.

T. B. Prentiss,  
and others.

By Mr. Solicitor General *Day* — The Petition of *Thomas B. Prentiss*, and others, inhabitants of the Township of *Hull*, County of *Ottawa*.

B. Clark, and others.

By Mr. *Boswell* — The Petition of *Benjamin Clark*, and others, inhabitants of the Town of *Cobourg*.

S. S. Foster, and  
others.

By Mr. *Foster* — The Petition of *S. S. Foster*, Esquire, and others, residing in *Stukely*, *Bolton*, and other places.

Bill to confirm an arrangement in Gore & Wellington Districts, passed.

An engrossed Bill to confirm a certain arrangement, entered into by the Magistrates of the Districts of *Gore*, and *Wellington*, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Durand*, do carry the said Bill to the Legislative Council, and desire their concurrence.

Sydenham Mountain Road Bill passed.

An engrossed Bill to establish a Company by the name of the “*Sydenham Mountain Road Company*,” was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Durand*, do carry the said Bill to the Legislative Council, and desire their concurrence.

Bill for French translation of Statutes passed.

An engrossed Bill to provide for the translation, in the *French* language, of the laws of this Province, and for other purposes therein mentioned, was read for the third time.

*Resolved* — That the Bill do pass, and that the title be “*An Act to provide for the translation into the French language of the laws of this Province, and for other purposes connected therewith.*”

*Ordered* — That Mr. *Parent*, do carry the said Bill to the Legislative Council, and desire their concurrence.

Bill to exempt firemen from certain duties, passed.

An engrossed Bill to repeal a certain Act, therein mentioned, and to exempt the Members of Companies of Firemen, lawfully established, from serving as jurors, and in the Militia, except in certain cases, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Dunscumb*, do carry the said Bill to the Legislative Council, and desire their concurrence.

Dundas St. and Humber road Bill, passed.

An engrossed Bill to incorporate certain persons, therein mentioned, for the purpose of making a macadamized road from *Dundas* street to the River *Humber*, in the Township of *York*, was read for the third time.

*Resolved* — That the Bill do pass, and that the title be “*An Act to incorporate certain persons, therein mentioned, for the purposes of*

"making a macadamized road from Dundas street to the River Humber  
"in the Township of York."

*Ordered* — That Mr. Price, do carry the said Bill to the Legislative Council, and desire their concurrence.

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Bill to extend provision of a certain Ordinance to road on N. side of river St. Charles, passed.

An engrossed Bill to extend the provisions of an Ordinance, therein mentioned, to a certain road on the North side of the River St. Charles, in the District of *Quebec*, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. Black, do carry the said Bill to the Legislative Council, and desire their concurrence.

On motion of Mr. Johnston, seconded by Mr. Henry Smith.

Petition of L. Lyman, referred to Sel. Com.

*Resolved* — That the Petition of *Lewis Lyman*, of *Beauharnois*, Commissioner of the *North American Colonial Association of Ireland*, presented to the House on the 28th instant, be referred to a select Committee, composed of Mr. Solicitor General Day, Mr. Dunscomb, Mr. Morin, and Mr. Neilson, to examine the contents thereof, and report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Com. on public accounts and estimates Report.

The Honourable Mr. Harrison, from the select Committee to which was referred so much of the message of His Excellency the Governor General, as relates to the estimates for the year ending 31st *December*, 1841, together with the documents connected therewith, presented to the House the report of the said Committee, which was again read at the Clerk's Table.

For the said Report See Appendix, (F. F.)

500 copies to be printed.

*Ordered* — That 500 copies of the said Report be printed in the *English* and *French* languages, for the use of the Members of this House.

Motion for House in Com. of supply on Thursday next.

The Honourable Mr. Harrison moved, seconded by Mr. Solicitor General Day,

That this House will, on *Thursday* next, resolve itself into a Committee of supply, to take into consideration the message of His Excellency, the Governor General, relating to the estimates for the year ending 31st *December*, 1841, and the said Report.

Mr. Prince asked whether the item of the wages of Members made an item in the Report.<sup>1</sup>

Mr. Harrison said no — (*hear, hear, hear*). ((He proposed)) that the House take it into consideration on Thursday next....<sup>2</sup>

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Tuesday substituted for Thursday.

Mr. Aylwin, moved in amendment, seconded by Mr. Price,  
That the word "*Thursday*" be struck out of the said motion, and the word "*Tuesday*" be substituted in lieu thereof.

Mr. Aylwin objected to so early a day....<sup>3</sup>

Mr. Harrison said either Tuesday or any other day, was the same to him, but the House must recollect the advanced state of the Session and the quantity of business which remained to be done.<sup>4</sup>

Mr. Aylwin would not vote for a shilling till the Blue Book was presented.<sup>5</sup>

Mr. Durand said the same.<sup>6</sup>

Mr. Buchanan thought the Bank of Issue Bill should pass, before the salaries were determined on.<sup>7</sup>

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The question having been put on the motion of amendment, it was agreed to unanimously.



Motion carried.

The question being then put on the main motion, as amended, it was also agreed to unanimously, and —

*Resolved* — Accordingly.

Com. on Petition of H. Keating and others, present report and Bill.

Mr. *Cameron*, from the select Committee to which was referred the Petition of *Horace Keating*, and others, and other references, with power to report by Bill or otherwise, presented to the House the report of the said Committee which was again read at the Clerk's table, and is as followeth : —

Report.

"Your Committee have carefully examined the said Petition, considered the prayer, and referred to the extent and situation of the *Western District*, and find that the Petitioners really labour under serious and burthensome disadvantages; that the duties of Jurors can hardly be performed; the rights of Plaintiffs and Defendants on Jurors invaded, that even Criminals must frequently escape; that the state of the roads, and nature of the lands and waters, greatly add to the evils which necessarily result from the extreme distance from the District Town, for all which reasons your Committee beg leave respectfully to recommend, that the recommendation of the Committee of conference appointed on the question of the division of Districts, in 1837, be carried into effect, for which purpose they beg leave to report a Bill."

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Bill to erect a new District in Kent, brought in.

Mr. *Cameron*, then presented to the House a Bill for the erection of certain Townships, in the County of *Kent*, into a separate District; which was received, and read for the first time.

*Ordered* — That the said Bill be read a second time on *Friday* next.

Committee on Petition of J. B. Ewart and others report.

Mr. *Durand*, from the select Committee to which was referred the Petition of *James B. Ewart*, and others, of the Townships of *West Flamborough*, *Beverly*, and other places, presented to the House the report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

For the said Report, see Appendix (R. R.)

Report referred to Committee of whole Friday.

*Ordered* — That the said Report be referred to a Committee of the whole House on *Friday* next.

Committee on U. C. copy right Bill and Resolution report Bill amended.

Mr. *Williams*, from the Select Committee to which was referred the Bill for the protection of Copy Rights, in that part of the Province formerly constituting *Upper Canada*, and the Resolution of this House of the 28th instant, "to repeal the Act of the late Province of *Lower Canada*, intituled '*An Act for the protection of Copy Rights*,'" reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table.

*Ordered* — That the said Bill and Report be referred to a Committee of the whole House on *Friday* next.

Bill referred to Committee of whole on Friday.

Committee on Report of Commissioners of Steam Dredging Report.

Mr. *Merritt*, from the Special Committee to which was referred the Report of the Commissioners of the Provincial Steam Dredging Machine, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

Report.

"Your Committee have examined the Report of the Commissioner, and find that the sum of £446 4s. 2d. is yet due, on account of the Dredging Machine, to the following persons, viz : —

1. *Lyon and Howard*, per Appendix to Journal of 3d Sess. 13 Parl of *U. Canada*, 1837-8, page 349, No. 5 Voucher from the Commissioner for the same ..... £125 0 0
2. *Jacob Randall*, for Services, as Master of the Dredging Machine, 1839. — See Appendix to Journal of 5th Sess., 13 Parl., Vol. 1, Part 1, Pages 397-8 ..... 28 9 3

3. <i>Joseph Anniseth Skleenon</i> , Engineer during the time <i>Jacob Randall</i> was acting as Master. — See the same Appendix, page .....	13	14	9
4. Commissioner, debt due him per Appendix to Journal of 5th Sess., 13th Parl., Page 394, Vol. 1, Part 1, 1839-40 .....	107	6	0
5. Commissioner's account for postage, and other incidental expenses, since last Report .....	5	9	7
6. Charge of <i>Francis Hall</i> , Esq., Civil Engineer, for professional assistance .....	15	0	0
7. Allowance to Commissioner, to remunerate him for his superintendence, from date of Commission, in 1835, to this Period .....	112	0	0
8. Expense of raising Machine, after being sunk by some malicious person, in November 1839, (per statement appended) .....	39	4	7
	<u>£446</u>	<u>4</u>	<u>2</u>

which sums Your Committee recommend to be paid, and for that pur-

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pose have prepared a Resolution on which to frame an Address to His Excellency, the Governor General.

Your Committee likewise recommend that the Commissioner should be relieved from his duties, for the reasons set forth by him in his report to His Excellency, the Governor General; and that the Dredging Machine be put under the charge of the President of the Board of Works, at once, with all its boats, scows and appurtenances; also that the said President of the Board of Works be furnished with copies of contracts, accounts, vouchers, rules and regulations, and any and all the documents therewith connected, by the present Commissioner.

Your Committee, after a careful and attentive perusal of all the accounts and arrangements, herewith and heretofore made by the Commissioner, for the guidance and management of his trust, find the same to be extremely minute and satisfactory, and in justice to him, do not hesitate to say, that he has discharged his onerous duty with fidelity, and with credit to himself, and, in so far as circumstances would possibly warrant, with advantage to the Public.

In conclusion, Your Committee beg to remark that there appears to have been expended in the purchase of the Dredge, the sum of £3,400, exclusive of the sum of £446 4s. 2d., alluded to in the former part of this Report."

*Ordered* — That the said Report be referred to a Committee of the whole House on *Friday* next.

Mr. *Dunscomb*, from the select Committee to which were referred the Resolutions of this House of the 28th. of *July* last, relative to the Laws of that part of the Province heretofore known as *Lower Canada*, touching the tenure of Lands, and commonly known as "*Feudal Tenure*" with power to report by Bill or otherwise, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth :

Report referred to Committee of whole, on Friday.

Committee on Resolutions on Feudal Tenure present report, with Bill.

Report.

"Your Committee, after a careful consideration of the Resolutions referred to them, are of opinion that the means of inquiring into the laws and practices of the Feudal Tenure, with a view to its gradual extinction, would be by the appointment of a Commission for that purpose; they have therefore prepared a Resolution, on which to found an Address to His Excellency, the Governor General, which, together with the draft of a Bill to authorize a voluntary commutation of lands held under that tenure, they beg leave to recommend to the consideration of Your Honourable House."

Seigniorial Tenure  
commutation Bill  
brought in.

Mr. *Duncomb* then presented to the House a Bill to provide for the voluntary commutation of the Seigniorial Tenures in the Seignories of *Lower Canada*, which was received, and read for the first time.

*Ordered* — That the said Bill be read a second time on *Friday* next.

Report referred to  
Committee of whole,  
Monday.

*Ordered* — That the said Report be referred to a Committee of the whole House on *Monday* next.

250 copies to be  
printed in English  
and do, in French.

*Ordered* — That 250 Copies of the said Report be printed in each of the *English* and *French* Languages, for the use of the Members of this House.

On motion of the Honourable Mr. *Moffatt*, seconded by Mr. *Baldwin*,

Undisposed of Orders  
of yesterday post-  
poned to morrow.

*Ordered* — That the Orders of the day of yesterday, that were not disposed of, be postponed until to-morrow, and that they be then the first orders of the day.

Mr. *Buchanan* added  
to Committee on peti-  
tion of J. S. *Baldwin*.

*Ordered* — That Mr. *Buchanan* be added to the select Committee to which was referred the Petition of J. S. *Baldwin*, and others, citizens of *Toronto*.

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On motion of Mr. *Morin*, seconded by Mr. *Raymond*,

Mr. *Armstrong* ex-  
cused from serving  
on election Commit-  
tee 2nd R. York.

*Ordered* — That *David M. Armstrong*, Esquire, Member for *Berthier*, be excused from serving on the contested election for the 2nd Riding of the County of *York*, during the remainder of the sittings of the said Committee, on account of ill health.

Leave of absence to  
Mr. *Armstrong*.

*Ordered* — That Mr. *Armstrong* have leave to absent himself from this House until the 15th of *September* next, on account of ill health.

On motion of the Honourable Mr. *Harrison*, seconded by Mr. *Solicitor General Day*.

House to go into  
Committee, on Friday,  
on Kingston Corpora-  
tion Act.

*Resolved* — That this House will, on *Friday* next, resolve itself into a Committee of the whole House, to consider the propriety of making certain alterations in the Act regulating the corporation of the Town of *Kingston*.

House to go into  
Committee to-morrow,  
on repealing Boundary  
Commissioners Acts  
of U. C.

On motion of Mr. *Small*, seconded by the Honourable Mr. *Harrison*,

*Resolved* — That this House will, on to-morrow, resolve itself into a Committee of the whole House, to take into consideration the propriety of repealing the several Laws now in force in that part of the Province formerly called *Upper Canada*, establishing Boards of Boundary Line Commissioners within the several Districts thereof.

Mr. *Small* ... stated several instances where bad consequences had arisen out of it.<sup>8</sup>

Dr. *Dunlop* thought it a good measure, the only thing to be regretted was the Commissioners could not please every body.<sup>9</sup>

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Niagara Bank Bill  
read 2nd. time.

A Bill to incorporate sundry persons under the style and title of the President, Directors, and Company, of the Bank of *Niagara District*, was, according to Order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Friday* next.

Bill to convey a cer-  
tain piece of land in  
*Lochiel* read 2nd time.

A Bill to empower certain Trustees therein mentioned to convey a portion of a certain Lot of Land in the Township of *Lochiel*, in the *Eastern District*, to the Reverend *John McIsaac*, was, according to order, read a second time.

Bill to be engrossed.

*Ordered* — That the said Bill be engrossed.



Commercial Bank  
stock increase Bill  
read 2nd time.

A Bill to increase the Capital Stock of the Commercial Bank of the *Midland District*, was, according to Order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Friday* next.

U. C. Bank stock in-  
crease Bill read 2nd  
time.

A Bill to increase the Capital Stock of the Bank of *Upper Canada*, was, according to Order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Friday* next.

Order for 2nd reading  
Bill to extend charter  
of Montreal Bank  
postponed.

The Order of the day for the second reading of the Bill to extend the charter of the Bank of *Montreal*, and to increase its capital stock, being read,

*Ordered* — That the said Order of the day be postponed until *Thursday* next.

Emigrants' fund Bill  
read 2nd time.

A Bill to create a fund for defraying the expense of enabling indigent Emigrants to proceed to their place of destination, and of supporting them until they can procure employment, was, according to Order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Thursday* next.

Order for 2nd reading  
Gore Bank stock in-  
crease Bill postponed.

The Order of the day for the second reading of the Bill to amend the charter and increase the Capital Stock of the *Gore Bank*, being read,

*Ordered* — That the said Order of the day be postponed until *Thursday* next.

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L'Assomption College  
Bill read 2nd time.

A Bill to incorporate the College of *L'Assomption*, in the County of *Leinster* was, according to Order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on to-morrow.

Pot and Pearl Ashes  
inspection Bill read  
2nd time.

A Bill to regulate the inspection of Pot and Pearl Ashes, was, according to Order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Friday* next.

House in Committee  
on Message on Public  
Improvements.

The Order of the day for the House in Committee to take into consideration the Message of His Excellency, the Governor General, relative to Public Improvements, together with the documents accompanying the same, and other references being read.

The House accordingly resolved itself into the said Committee.

Mr. *Gilchrist* took the chair of the Committee.<sup>10</sup>

**Mr. Harrison** rose to submit to the House the resolutions he had the honour to lay before them, connected with the public improvements of the country. In the Printed paper the improvement of the St. Lawrence Canal was placed in the second class. He confessed he did not coincide precisely with his hon. friend as to the propriety of placing it there; at all events there was no reason why that important work should not be commenced as soon as the necessary funds could be obtained. He was quite aware of the importance of that great measure. It had been remarked that we had the benefit of the Rideau, and that the expenditure contemplated for the St. Lawrence was unnecessary.<sup>11</sup> He happened to be at Montreal last year, when a report prevailed that an accident had occurred to one of the locks on the Rideau, and he was witness to the anxiety which existed on the apprehension of such an event at the commencement of the season.<sup>12</sup> A discussion arose as to whether the Canal should be on the north or south side of the River. Engineers (sic) had, he believed, reported that the site on the south was as good or better than that on the north. If so, and the capital necessary would be advanced by the company which had been alluded to at 1½ or 2 per cent lower than it could be got elsewhere, it would of course be desirable to obtain it — but if it was a less advantageous site, gen-

tllemen would agree with him that the saving of 2 per cent would not probably be an equivalent. —<sup>13</sup> He thought that where so large interests were involved, we should have two outlets.<sup>14</sup>

It was obvious that the consideration of the resolution involved a consideration of the question of the Bank of Issue, and as gentlemen seemed desirous of taking up that Resolution first he would consent to it, though it did not appear to him to be the proper course. He then proceeded to answer several objections which had been made to the scheme, one was that it would curtail the accomodation at present derived from the Banks, he denied that it could have that effect, whilst it certainly would have the effect of preventing the irregularity which so frequently occurs with regard to discount. Banks would be able to use all their circulation without the fear of their notes being returned upon them, or demand for gold and silver, it made no part of the measure to meddle with Bank capital. On the contrary the Chartered Banks may if the Bank of Issue is established have all their charters extended if they desired. But it was said that it would diminish the profits of Bankers — several respectable Bankers had asserted that the contrary would be the case, that by an increase of business their profits would be increased. The profits in Banking are stated to be large, and the Committee have contemplated some arrangement by which the interests of the Bank may be properly protected. The Commercial Bank, he had understood, had done all it could for the accomodation of the public, and there was no desire on the part of the Government to do injury to that or any other Bank.<sup>15</sup> He heard it stated that the whole of the Bank profits amounted to £130,000 per annum. Now, as he apprehended it, if the Commercial Bank, for example, had a circultion (sic) of £205,000 in round numbers, and was obliged to keep in its vaults, one third of that amount in specie, the loss which would be sustained, would be the interest on the difference between £205,000 and £70,000, surely a sum not sufficient to bring ruin and desolation, as had been by some prognosticated. But he, Mr. H., believed that no such loss, even as that, would accrue, and that it was possible, considering the comparative rate of interest here and in England, that a beneficial arrangement may be made.<sup>16</sup> The object of the Government was to benefit the country, and he believed that it was capable of demonstration that the Bank of Issue would have that effect. Money in Canada is worth 8 per cent, in England 3½ to 5; why was it? because of its scarcity, the want of capital and its insecurity. Capitalists in England would gladly loan their money in this country if they could be persuaded it was equally secure, where they would get 8 per cent instead of 4. It has been said that this measure would expose the country to political danger (Hear, hear.) Nothing could be less true. The proposed bank was not a bank of deposit or of discount, it was merely a bank for creating one million of money, or so much more as the exigencies of the country may require, a mere money arrangement, and no more capable of being a political engine than the mint was where bullion was coined into sovereigns. The advantages must be obvious to every one, it would increase the circulation, it would beyond all other measures add to the stability of the credit of the Province, the Notes of this Bank would circulate over great parts of the United States, in consequence of the adjustment of the currency, and it would add to the revenues of the Province immediately £20,000 per annum, and enable us to pay the interest, £400,000 at 5 per cent, and which revenue as the business of the country is increasing, would always be increasing in proportion. It had also been suggested that it might be desirable to make the large notes, above £50, payable in London, which it is believed would be a greater convenience to commercial men.<sup>17</sup> He concluded by saying he should now sit down, and listen with great attention to what other gentlemen, who were fully qualified to discuss the measure, should have to say on the subject.<sup>18</sup>

**Mr. Merritt** objected to the discussion of his amendment, and the Bank of Issue at the same time; and inquired of the hon. mover which of those subjects he preferred having first disposed of.<sup>19</sup>

**Mr. Harrison** replied that it was immaterial; he would take the sense of the House, first, on the amendment.<sup>20</sup>

**Mr. ((Merritt))** said he would confine his remarks wholly to that one subject. The hon. mover objected to dividing his scheme — that it was an evidence of a weak government to pledge any particular revenue, for any particular object; instance Spain in pledging the revenue derived from the Quick Silver Mines — that we should pledge a certain revenue to raise a certain sum, from a consolidated fund, and apply that to those various objects as circumstances required. Mr. M. dissented from those opinions, he could easily understand

the necessity of European Governments pledging specific revenues, to receive Loans to expend in War, or waste them in preparing material, from which a return could never be hoped — but the same reasoning was not applicable to Canada — we were about contracting a Loan for a particular object, one which would yield a revenue when finished, sufficient to repay the Capital expended for its construction. All we require is credit; to loan this capital for a limited period until the revenue anticipated from those Tolls could be raised; — he would not delay a single day, neither for the *credit* of the House, Government or the North American Company — if they found it ((to)) their interest to extend this credit, well and good, we would receive it thankfully; but if we ever expect to improve our country, we must rely on our own exertions. Our resources are abundant and our security undoubted; which he would shew from the following simple statements reduced to figures. Appropriate the Tolls on the Welland and Lachine Canals and Harbors, with 2½ per cent. on imports to commence 1st January, 1843.

The expenditure in 1841 — from the late period of the season, it will be impossible to do more than make Surveys, and procure material for the

Welland,	£ 50,000
St. Lawrence,	37,500
Harbors,	12,500
Say	£ 100,000

In 1842: —

Expenditure for 1841,	£ 100,000	
1 year's interest at 6 per cent,	6,000	
Welland,	150,000	
St. Lawrence,	100,000	
Harbors,	50,000	£ 300,000
6 months' interest,	9,000	£ 15,000

#### RESOURCES.

Tolls on Welland Canal,	£ 30,000	
“ on Lachine Canal,	15,000	
“ on Burlington Bay Canal,		
“ and Harbors,	3,000	
2½ per cent. on imposts,	50,000	£ 98,000
Leaving a surplus of,		£ 83,000

This year the Cornwall Canal will be finished and yield an income for the next.

In 1843: —

Expenditure in 1842, £ 400,000, at 6 per cent,				£ 24,000
Welland,	150,000			
St. Lawrence,	150,000			
Harbors,	50,000	350,000		
6 months' interest,			10,500	£ 34,500

#### RESOURCES.

Tolls on Welland,	£ 35,000	
“ on Lachine,	17,500	
“ on Harbors,	2,500	
“ on St. Lawrence,	3,500	
2½ per cent, on imposts,	50,000	£ 107,500
Leaving a surplus for this year of		£ 63,000 (sic)

At the close of this year the Canal from Lachine to Coteau du Lac and the Welland should be finished; the widening the Lachine commenced, and the towing-path made above the Long Sault, and the Locks at the Gallows and Rapid Plain commenced.

The adjoining state of New York where it is universally admitted — that they have adopted the best system, and effected more improvements within a year, than any other government or country known. They created a revenue consisting of 2½ per cent. on Auction Sales, and 12½ cents and recently 6 per Bushel on Salt, for the express purpose of paying the interest on the debt incurred for a specific object, viz. constructing the Erie and Northern



Canals. \$10,000,000 were borrowed, the canals made, and in 1836 paid interest and principal on their cost out of the revenues collected from those canals, which last year was upwards of \$1,700,000. They have constructed nine lateral canals, connecting navigable waters to extend 4500 miles, and loaned \$4,500,000 to private companies to construct other canals and railroads. They are at this moment in debt \$15,000,000, and have undertaken works to a similar amount; for the payment of which they rely on the revenue from tolls alone. The auction and salt duties vary from 3 to \$400,000: they have no other revenue whatever except the tolls, from which \$400,000 per year is paid for the support of their civil government. In 1816 the most sanguine supporters of that policy ventured to estimate within 20 years, 250,000 tons would be borne to the Hudson and other canals: in 1836, 697,347 tons was the amount: in 1840 we find a return of 1,435,713 tons; in the same year (( ))<sup>21</sup> tons of merchandize. On the St. Lawrence and Rideau we estimate about 100,000 tons in all, only 17,000 tons of merchandize. Timber is not included, but may be averaged at 100,000 tons. May we not with safety estimate in the year 1845, when our entire line is finished to divert from the Hudson and Erie, together with the increase of the western country, at least 400,000 tons; if so, at the moderate calculation of 5s. per ton the Welland and St. Lawrence, we will receive £200,000 per year. I am happy to find that the hon. gentleman has admitted that the Rideau Canal is not to be a barrier to this improvement. Having already shown that the work has not cheapened the transportation, I call the attention of the committee to the great saving to the country by opening this canal: from New Orleans to Cincinnati, a distance of 1600 miles, 30 s. per ton are paid; from Montreal to Prescott, a distance of 130 miles, we pay at present from £2 10s. to £3 15s. per ton, at the same rate as on the Mississippi, it would be reduced to  
 3s. 3d. per ton,  
 To which add toll,  
 5s.

And it gives,

7s. 3d. per ton, (sic)

The report of the Board of Works in Ohio for 1840, shows that the tolls on their canals already pay 7 per cent. interest on the cost of their construction; thus forming but one line of the numerous communications leading to Lake Erie, which is the focus or point, where this immense trade will be concentrated. This House is pledged by the amendment made by my hon. friend from Montreal, to connect Lake Huron with the Ocean. I have no doubt the means can be procured for this object, and I hope it will be clogged with no other.<sup>22</sup>

**Mr. Buchanan** rose, and suggested the withdrawal of the amendment, the Bank of Issue to be taken as the vote upon the present occasion.<sup>23</sup> ((He)) must oppose the Bank of Issue. He denied the assumption of the hon. Secretary (Mr. Harrison) that "the *only* difficulty was to be found in the existence of the present Banks, and that were we to begin again we would adopt the system of one Bank of Issue." He (Mr. Buchanan) thought that no new country in adopting the system of Banking could afford to theorise in the matter. The simple question would be, under what plan shall we best emerge from a barter system and attain the two grand objects of procuring our supplies of imported articles at the lowest or cash price, and of securing the highest price for our grain by increasing competition for it, by bringing a bank capital of our own to compete with the foreigner or merchant in its purchase. In the commencement (to suppose the thing for a moment) this Bank of Issue would require to have issued to individuals because there were no Banks in existence? And even now, after upsetting a bank system to which we are indebted for all our advancement, and against which no complaint has ever been made, Government would leave us dependant (sic) for a new system on the co-operation of these same chartered institutions, with whom we had broken faith most grossly. If the chartered banks should wind up their affairs the distress of the country would by its clamour soon transform the Bank of Issue into a bank of discount also, and thus there would be established in Canada, by a side wind, the most dangerous political engine that could be conceived in the hands of government. He (Mr. Buchanan) never would commit the fraud on the public of founding issues of paper payable on demand, on the credit of a country liable to so many contingencies as Canada; and he foresaw that (their own interests to one side) the chartered banks might decline being accessory to the circulation of such paper, seeing that, though in doing so they themselves might be safe enough, as keeping a sharp look out that the Government securities were not very much depreciated, yet they would by taking the notes of the Bank of Issue be instrumental in inducing the ignorant to place confidence in them, not aware how many events and circumstances could operate to the depreciation of our Provincial debentures, or in fact that at present they are very much under par. It is a favorite illustration with the hon. Secretary to say that "this would in fact be a paper mint." He (Mr.

Buchanan) thought that as metal is necessary to the coin, so convertibility is necessary to the security on which Bank paper should be issued, and Canada stocks are neither convertible nor at par. He (Mr. Buchanan) must blame Government for thrusting on Canada so precipitately, without intimation, and wholly uncalled for, a measure of this important nature. We know that a committee of the House of Commons had declined reporting in favour of the principle being applied even to a country like England, where the chief object is to regulate its own money, and where they have not that additional object in every new country of inducing capital to come among us. We know also that the Committee on Banking appointed by this House of Assembly the present Session, would not report in favour of the Bank of Issue, after it had been the subject of the most prolonged discussion. Under these circumstances it was surely improper for Government to make the adopting the Bank of Issue a condition of our public improvements being proceeded with. — He (Mr. Buchanan) could only suppose that it was wanted to have it to say that the principle is in existence in some country, so as to attempt it in Scotland, and afterwards transfer it to England. The possibility of its affecting the existence of every great interest in the country formed no part of the consideration. In Canada, in fact, the principle was to be tested as in "*corpore vili*." He (Mr. Buchanan) never listened to a greater absurdity than the position of the honourable member for Oxford (Mr. Hincks) — "that the object of paper was to circulate just exactly the same amount as otherwise would be in circulation in coin." — Why sir, the circulation would be reduced to almost nothing in Canada, were the circulation of paper abandoned. The views of that hon. member and his (Mr. B's.) were as apart as day and night. "He advocated what is practically a barter system, I advocate a banking system," he would have our views as limited as our means, and his advocacy of such a state of things is the more dangerous, that we are now involved in another system so different, and that we are indebted to the Banks, Three Millions of Pounds, on the faith of the coming Crop. We could not (were it desirable) make a fresh start and adopt a barter system, without going through the ordeal of a general bankruptcy. The hon. member (Mr. Hincks) wants the Banks to *surrender back* ! to the people £35,000 which they make by circulating notes, but he forgets that the people in Canada never gave away anything, that the presence of the Banks created the advantage which they enjoy, that with their existence it would vanish and the profits of a Bank of Issue would be left insufficient even to pay the salaries of the Commissioners ! The hon. member makes use of popular language when he said that "their profits should be derived from their customers, and not from the public at large," as if these customers will not make the public pay for all the disadvantages common to us all. This he (Mr. Buchanan) contended was a country in which the Bank circulation is held chiefly by those who owe the Banks, or who owe those who owe the Banks. The Government plan amounts in fact to this ; it throws open Banking after it has done away all inducements to Banks ; it proposes to make Canals and public highways after having stifled the trade which was to use them, it attempts to raise the public credit at the expense of the Commerce of the Country, not seeing that to reduce trade is to reduce the revenue, and as a consequence the public credit. He (Mr. Buchanan) would recommend Government to raise the required revenue by means of a tax on produce, cattle, &c. coming from the United States for Home consumption. In this way not only would a revenue be raised, but Government would be performing a duty to the Canadian Farmer by protecting his industry, and he (Mr. Buchanan) could tell the present Executive that without doing so, they will not long retain these Benches in this agricultural Country. (Hear, hear.)<sup>24</sup>

Mr. Holmes said that he experienced no little embarrassment in rising to express his opinions upon the Resolutions of his honorable friend the member for Kingston — the whole series had been so ably discussed by those who had preceded him that he would not have troubled the house with any remarks was it not that he felt how ill he would discharge his duty to his constituents did he not avail himself of the opportunity afforded him of hastily reviewing the whole scheme (sic) now under discussion. The Resolutions of the honorable Secretary are based upon the promised million and a half, announced from the highest quarter at the opening of the Session ; which million and a half it is now suggested should be applied to the liquidation of the existing debt of the Province in the first place ; and the residue turned over to the recommended improvements — those improvements the honorable member for North Lincoln has strenuously urged should be confined to his own grand scheme for connecting and making navigable the waters of the great valley of the St. Lawrence. The honorable Surveyor General maintains that internal communication is of paramount necessity and I agree with that honorable gentleman in part, at all events ; what use will be the St. Lawrence Canal if the farmers in the back settlements are unable to



avail themselves of its benefits — will the whole population of the interior not have just cause to complain if the entire resources of the Country are appropriated to the opening of a Road to the great markets of Montreal and Quebec, for American produce, while they are debarred by a selfish policy from participating in the advantage — they, as inhabitants of this Province have a right to demand that a portion of this million and a half should be laid out in the formation of Roads which will enable them to lay down upon the borders of those great lakes the produce of their farms. The deepening of lake St. Peter is also one of those improvements which must be attended to — its advantages its absolute necessity has been clearly demonstrated by my hon. colleague for Montreal ; but Mr. Chairman, why should particular portions of the works now under consideration be insisted upon by honorable members ; why should not the whole of the works suggested in the Resolutions before this Committee be undertaken ? There appears to me Mr. Chairman to be some mystification — we are told this million and a half is to be raised for the purpose, first of extinguishing the existing debt — now bearing a high rate of interest, and the residue to go towards the improvements recommended — leaving the Province to borrow the requisite remaining sums on the best terms it may, to complete the works. The whole of the works classed under the heads No. 1 and 2 will cost £844,000 — and thereto the estimates for the St. Lawrence, — the Lachine Canal, Lake St. Peter — the sum total is £1,629,300 Halifax Currency — borrow the £1,500,000 Sterling at the low rate of interest which under the the (sic) guarantee of the Imperial Government we have been promised, and apply it to the construction of those grand works, and leave the existing debt where it now lays — what surely have we that this million and a half to be borrowed at  $3\frac{1}{2}$  per cent, if applied to the redemption of the existing debt — what security have we I say, that we shall not be constrained to pay as high a rate of interest upon the money requisite for the completion of these improvements as now we pay on the already created loan — no — get the promised million and a half and apply it to the improvements — if we can then get sufficient to pay off the old loan upon as good terms, borrow it and reduce the rate of interest now chargeable on the Province, but do not rest the completion of these works upon a contingency. Ways and means are required to pay the interest on the new loan, and a Banking scheme is suggested — there are other means and ample means too, Mr. Chairman without resorting to that measure — the import duties upon British goods now produce £45,000 add  $2\frac{1}{2}$  per cent to to (sic) these duties, —  $3\frac{1}{2}$  per cent upon the million and a half Sterling is but £52,500, consequently you have but £7,500 more to provide — place that upon distilleries — in Lower Canada no duty upon those establishments is levied, and in this section of the country the amount levied is I understand too insignificant to mention. — A few years past 14,000 puncheons of West India rum was imported, upon which duties equivalent to £84,000 was paid — the distilleries have abstracted that amount from the Revenues of the Province — and it is but fair that they should be made to contribute now. Besides you have articles of luxury to tax. Wines and Brandies — there is no difficulty providing for the interest of the debt, if the whole of the improvements are undertaken and completed — generally they will pay for themselves and not require any interference with the Banks, as now by law established — what will be the consequence if the Bank of Issue scheme is carried out, the whole mercantile body will be so hampered as to shake their credit, and produce confusion and ruin to that very trade on which depends the resources from which is to be derived the means of paying the Interest upon the money requisite for these improvements. The Banks have now in circulation in round numbers £1,000,000 Currency — the several Institutions possess as the guard against this circulation £350,000 in Specie, but the amount lodged in deposits is also great — at least £600,000 now a part of their Specie is of course kept to meet demands upon them for deposits made ; consequently but a portion of the £350,000 is applicable to redeem their notes in circulation — well, we will say this is £250,000 it is evident therefore, that should the Banks be compelled to redeem their issues — that they must forthwith reduce their loans, and in the exact proportion curtail the accommodation afforded to the country. And I will ask hon. gentlemen, and there are many here capable of judging — is the country in a situation to admit of £750,000 being withdrawn from the accommodation now afforded by the Banks ; will the Province benefit by any accession (sic) of Revenue from the Bank of Issue to an extent equivalent to the injury it will and must suffer by the prostration of so large a portion of the trading community — as inevitably will be prostrated should the Banks be compelled to draw in their loans, or possibly to wind up their business. — The public papers have shewn to hon. members what are the feelings and what are the fears of the Commercial community. — Public Meetings have been held in Montreal, Quebec and elsewhere and loudly has the scheme been deprecated — I therefore call upon this house to refuse its assent to that part of the hon. Secretary's pro-



posal and while I gladly join in every effort to carry out the grand scheme of improvements now under consideration, I must record my vote against an interference with the existing Banking Institutions of the Country, which without fear of contradiction I assert, merit the confidence of the people and the protection of the Legislature.<sup>25</sup>

**Mr. Morris** wished to ask the hon. Secretary whether on the existence of the Bank of Issue depended the carrying into effect the public improvements.<sup>26</sup>

**Mr. Harrison** said he had before stated that the Government had determined on not borrowing money till a revenue was found to pay the interest, and if the revenue to be derived from the Bank of Issue was not available, either some other source of revenue must be supplied, or the sum to be borrowed must be diminished.<sup>27</sup>

**Mr. Johnston** said the Giraffe bill (the District Council Bill) and the Bank of Issue were evidently wedded together, the Bank would be a shaving shop, and a ruinous one — was a wild scheme of Lord Sydenham, and would be so much a political engine that that house never need meet again, (a laugh) — just as wild a scheme as that of his hon. friend (Mr. Merritt) on the St. Lawrence Canal.<sup>28</sup>

**Mr. Moffatt** wished that the Secretary would allow of the order of taking these resolutions into their consideration being changed.<sup>29</sup>

**Mr. Harrison** said he would have greatly preferred pursuing the course laid down in the resolutions, but nevertheless if it was the wish of hon. gentlemen to depart from it he must yield to their decision.<sup>30</sup>

**Mr. Moffatt** was favourable to the 4th Resolution ((of) the Bank of Issue, (Mr. Harrison having consented that it should be the first put to the vote,) not however to come into operation this session. In answer to Mr. Holmes' remark that £750,000 would be withdrawn from circulation, he asked, whether that amount, when paid into the bank coffers, by such withdrawal, would not be transferred to the credit of the stockholders, and whether in that case they would not seek the means of investing it in other speculations that offered a remunerating profit? the banks, he said, would not be called upon at 24 hours notice to stop their issues. As to where the capital of the proposed bank was to be derived from, he would observe, that all monies paid into the Receiver General's hands, would be deposited in the Bank of Issues (sic). The time of issuing notes as at present done by the colonial banks, would be limited by the government, but those at present in circulation among the community, were entirely at the disposal of the holders, to do with them as they thought proper — subject to no controul whatever on the part of the government. As to the bank being a political engine, the 4th clause giving to the Governor the appointment of the commissioners in addition to the patronage invested in such commissioners by the 5th clause, certainly gave to the executive a great influence over the Bank, which he proposed so far to modify, as to submit an amendment when the bill came before the house, restricting the removal of the commissioners to an address from both houses. He would also propose that branches of the bank for public convenience, be established in various parts of the Province, and that the Receiver General be expressly enjoined by the bill to keep his account with the bank.<sup>31</sup>

**Mr. Hincks** had already, more than once, expressed his decided opinion in favour of the principle of the Resolution submitted by the hon. and learned Secretary for the West. The object of that Resolution was, that the Government representing the people at large, should become the sole issuers of the paper currency of this country; and that the revenue to be derived from that circulation should go into the public Treasury, and constitute a portion of the "ways and means" to complete those great public improvements which are so loudly called for by the country. It was not, however, solely as a means of obtaining revenue that he (Mr. Hincks) thought that this Bank should be established. He believed that it would be the means of giving to the country a sound currency, not liable to the contractions and expansions to which Banks of Discount and Deposits are necessarily liable. In his (Mr. H's) opinion, the paper circulation of a country should be precisely what the specie circulation would be if there were no Banks; and that would be the amount requisite to exchange the commodities of the country. He could not admit the principle, that Bank issues should be resorted to as a means of creating capital. The advantage of a paper currency was — 1st. its convenience, — 2nd. its cheapness. If a million of money be required to exchange our commodities, and that by substituting a million of paper for coin, we can obtain the inte-

rest on £750,000, reserving £250,000 in specie to meet the demands of the public, it is evident that a clear gain of £45,000 per annum will accrue to the issues. At present that revenue is derived by certain privileged Corporations. It was contemplated by the Resolution that it should go into the public chest. What are the objections raised to a proposition apparently so very advantageous to the public? It had been said by his hon. friend from Toronto (Mr. Buchanan) that this was an experiment that no other country is willing to try. But let it be recollected that there are difficulties in the way in other countries which it is much to be hoped, do not exist here. — He (Mr. H.) alluded to the power and influence of the interested parties (the Banks.) The principle of a Bank of Issue was advocated by some of the leading Bankers, and writers on political economy, both in England and the United States, and could not, therefore, be considered a crude theory. The hon. member for Toronto has stated that his calculation depends on the state of the crops, and on the foreign exchanges, and that it would be extremely dangerous to limit the issue of Bank paper. In this opinion he (Mr. H.) entirely concurred; but he had yet to learn that any limitation to the issues was contemplated. The Bill provided that in case the issue did not exceed a million, three fourths should be invested in securities, and one fourth in bullion, but all over a million should be vested in bullion alone. This proviso did not restrict the issues in the slightest degree. As to the provision that a portion of the Securities should be furnished by the chartered Banks, that had nothing whatever to do with the resolution before the Committee. It was one of the details of the bill which might be amended, but it was right to state most distinctly that this was a deviation from the original plan of the Government, which was to have the issues based solely on Provincial Securities, and on Coin. He (Mr. H.) had warmly advocated the alteration, and he did so, not that he liked the principle, but to relieve the mercantile community from the danger of being suddenly called upon to pay up these debts to the Bankers. It certainly did appear strange to him that the hon. member for Toronto, and the hon. member for Beauharnois should object to this provision, which was introduced solely for the benefit of those very classes with which those hon. gentlemen were most particularly connected. But if it were deemed inexpedient to make laws to (sic) the chartered Banks, an amendment to the Bill could be proposed when the proper time came. The hon. member for the City of Montreal (Mr. Moffatt), after advocating with great ability the principle of the Resolution, had declared that he would not consent to carry the measure into effect during the present session. He (Mr. H.) would state the grounds on which he was opposed to the delay suggested by that hon. member. We were about introducing a large amount of capital into the country to go on with public works. Could a better opportunity be taken of establishing the circulation of the Banks? All the money required for these works might be paid in notes of the Bank, which would thus be circulated in every section of the Province, from Gaspé to Port Sarnia. But there was another objection to delay. The hon. member for Montreal (Mr. Holmes) had forcibly urged, and it was the only argument that he did urge, the danger of compelling the Banks to withdraw their loans to the public. He (Mr. H.) entirely concurred with the hon. member, that this was the great objection to the scheme; but to relieve the Banks and the Public, it was proposed to loan to them half the amount (sic) which they had at present under discount, on the basis of their circulation; and surely if a reduction of the Bank loans was to take place, it could not be effected at a more seasonable time than when so large an amount of money, as the proposed outlay on public works was introduced into the country. These were the reasons which induced him (Mr. H.) to believe that if the principle were a sound one, and for the benefit of the people at large, no time should be lost in carrying it into operation. Several objections to particular clauses in the Bill made by the hon. member for Montreal (Mr. Moffatt), in some of which he (Mr. H.) fully concurred; but these had nothing to do with the Resolution now before the Committee, which simply affirmed the principles of a Bank of Issue. He (Mr. H.) would go as far as any hon. member to divest the Bank from all Executive influence. He contended, however, that such influence could not be exercised. The limits to the issues was prescribed by Parliament, the nature of the securities was also expressly defined, and unless it was supposed that the Government would conspire with the Commissioners (sic) to defraud the Banks, there could be no danger whatever from its influence. — He (Mr. H.) did not believe that even our most corrupt Governors would have been parties to direct fraud. Having now answered the objections which had been made by hon. gentlemen both to the principles affirmed in the Resolution, and to some of the details of the printed Bill, which was not strictly before the Committee, He (Mr. H.) would conclude by reminding hon. gentlemen, that if they were determined to go on with public improvements, "ways and means" must be provided to pay the interest, and the Bank of Issue afforded the means of getting a large and increasing revenue, without pressing in the slightest degree upon the people.<sup>32</sup>



Dr. Dunlop said he had heard many members complain that they were taken by surprise on the subject of the Bank of Issue Bill. How it could have happened to them he could not say; as for himself, for the last three months he had resided in Kingston, he had heard of nothing else but discussions on its merits; unless when these were occasionally agreeably diversified with argumentations infinitely more vociferous than logical, on the merits and demerits of the District Council Bill. It was a curious circumstance relative to the measure, that not only every thing he heard in its favor, but much that he had heard against it, tended to confirm him in the belief that it was a wise and salutary measure. The hon. member for Toronto, for instance, had said that we may as well make a metallic currency at once, as a paper currency which was equal in value to Bullion. The opinions of that gentleman ought to be received with the greatest respect by this House, as he and all his tribe dealt largely in *monish*, but to his untutored intellect it appears a sharp objection to a pound note that it was as good as a sovereign; as to his fear of the good faith of the Governor and the Government, he would remind the hon. gentleman of a proverb which he must have heard in his own country: that "ill doing were ill dreading." As for the interference of Government in Banking institutions, two philosophers, at least as liberal as any in this house, — Berthom and Cobbett, were of opinion not only that the Government should interfere with Banks, but that the Government should be the sole Banker of a nation; and that in a commercial country especially, the profits obtained by this arrangement would entirely or nearly supersede the necessity of taxation, direct or indirect. On this continent various schemes have been resorted to, and all in vain, to render the system of Banking by chartered joint stock companies secure to the public. The Americans had tried their safety fund, which by taking a certain sum from the prudent and provident to pay the debts of the thoughtless and speculators, had thought to attain this object, but it proved abortive, and right it should do so, for it was on the same unjust principle that a Merchant or a Tailor in London charged 1s. 3d. more than he otherwise would do to make those who pay but too well, balance on his books with those who never pay at all. It is an undoubted fact that no modern country ever thrived without paper money — witness Spain, Portugal, and Italy; but we may have too much of a good thing; witness our neighbors in the United States, where a newspaper the size of the London Times is published weekly to inform its subscribers what Banks within the Union are good, what bad, and what indifferent. We have not arrived yet at that happy state, because our Banks have a sufficiency of business to remove from the temptation of discounting bad or indifferent paper, but let the Banks increase and multiply and replenish the Province, and we will soon be in the same enviable condition. Now is the time to prevent that evil, before so many are interested in the preservation of it, as to render its cure impossible, and the Bank of Issue as proposed, is the only feasible remedy that I can see for the mischief. It has been asserted that Government debentures are no security, because they varied in price — we will be much obliged if any gentleman will tell us what does not vary in price — not gold or silver, certainly, for if you look at the Price current you will find their marketable value given as regularly as that of Pork and Flour. The hon. member for Richelieu had said, give us a sound state of Banking and you will have no need of a Bank of Issue. — I fully concur with him, now have we a sound state of Banking, are joint stock companies with charters which limit their losses and leave their gains virtually illimitable, a sound state of Banking, — no, Government has a right to interfere with them — they are the creatures and creation of Government, and what Government has made it has a right to mend and modify. In Scotland we have met a sound state of Banking, on the foundation of Capital, chiefly vested either in lands or in the funds — and every partner of the Bank is liable to his last shilling or his last acre, and such has been the beneficial effect of this system, that though the landed proprietor(s) of a whole country have been ruined during a century and a half, the public have never lost one shilling by a Scotch Bank note. Much has been said about the depreciation of the currency, what did the hon. member for Toronto require but a depreciation of the paper currency, and give that for a dollar which was not a dollar, nor worth a dollar. Or to be consistent he ought to recommend that we call in all the coin, as was formerly practiced in Europe, and still is by the Sublime Porte; adulterate it, and reissue it at the same nominal value, or perhaps, according to Mr. Atwood of Birmingham, whose system I, nor I believe, he himself (n)ever very clearly comprehended, clip a shilling in two, and make each half pass for a shilling. — Mr. Viger had stated the case of the assignats in France, they fell to be worth nothing, he says because they were Government paper, that regime in consequence has ever been esteemed bad logic; the assignats fell in value because the revolutionary movements of the mob at that period, by tearing up every institution of society by the roots, utterly destroying public confidence, as political revolution will do more



or less according to its intensity. Witness the revolution in commerce during the passing of our own reform bill; the wealthy classes hoarded their money and converted it into Bullion to be ready for the struggle or the bolt which ever might be deemed very advisable; all tradesmen who deal in luxuries, the Coat maker of Long Acre, the Jewellers and Goldsmiths throughout the City, even dealers in the fine fabricks (sic) and Brussels lace — say even the fashionable Booksellers had to give publishers royal quartos at a guinea and a half, and take to half crown duodecimo. The assignats did not fall because they were Government paper, but because the rabble had destroyed confidence in Government, and in every thing else, in Heaven or on Earth.<sup>33</sup>

**Mr. Thompson** considered that the Bank of Issue would be a great political Engine, that the government was too strong already, that it would sweep away all other Banks, that the capital now employed in them would be driven back upon the proprietors of it, — that they not knowing what to do with their money would become speculators in wheat, and having the command of the market would buy it at their own price, to the ruin of the farmer. That the effect of this Bank would be such as in fact to recoil upon Europe.<sup>34</sup>

**Mr. Moffatt** then moved that it is inexpedient to pass the Bank of Issue Bill this session.<sup>35</sup>

((This was)) seconded by **Mr. Dunscomb**. ((He)) had been on the Select Committee to whom this measure was first submitted, and was amongst those who looked upon some change, some system as desirable — at present there was an absence of all system. We had companies with charters, companies without charters, and individuals, in some cases irresponsible and even unknown individuals issuing paper currency; and what he thought the country required was a Bank that could act as a regulator of the paper issued in this Province, and secure a uniform and sound circulating medium, and he believed that was the recorded opinion of a majority of the select Committee. But that Committee had, after the most patient, and he might say even laborious investigation, come to the determination that there were insuperable obstacles at present to the establishment of that Bank. He might now be told that those obstacles were only rubbish and could be removed. There were six Banks with long charters yet to run out, granted by the Legislature of this Province, and then there was a Royal Charter lately granted to a Bank with one million capital, and which was deemed of sufficient importance by the select committee to induce them to represent the subject to that honourable House, and to recommend the Legislature to address a remonstrance to Her Majesty on that very subject. Now if this Bank thought they might take away charters that they themselves had granted, did they think they could repeal a Royal Charter, and unless that could be done the whole scheme was utterly impracticable. It was the duty of the honorable conductor of this measure to shew them how these charters were to be got over, for that honourable gentleman well knew that the very vitality of the scheme was in its furnishing all and the only paper issued in the Province, — if the sole issue of paper could not be secured to it then must the whole scheme fall to the ground. But allowing the difficulty of existing charters were got over, he (Mr. Dunscombe) still hoped that this Committee would entertain the amendment to postpone all proceedings in the matter for the present. He begged that Committee to reflect a moment on the consequences of now pressing that measure on the people. He contended that the country was not prepared for it, the public mind was excited to a degree that was alarming on the subject, the good people of Montreal and Quebec were in a perfect state of ferment, (hear, hear, hear) — in commercial communities it was well known that panic, that fright, was next to death, — and he shrunk from the great responsibility of pressing the measure under these circumstances, but he also contended that the gentlemen who had charge of the measure were no better prepared than the country was for it. They had not matured their scheme as it ought to be, they required time to perfect it, for he would say that a more imperfect Bill than he held in his hand had never been presented to that House. He asked if this bill established a Bank simply as a regulator of the Currency. This was no Bank of Issue. Issue paper it might, but it was also a Bank of discount, aye, and on the largest scale.<sup>36</sup>

The hon. gentleman was here interrupted by **Mr. Hincks**, who said that the bill was not under consideration; the Committee, however, appeared to think differently.<sup>37</sup>

**Mr. Dunscomb** resumed. The hon. member said we have nothing to do with the Bill, but he (Mr. Dunscombe) said we had every thing to do with the bill. It was idle to endeavour

to lead hon. gentlemen to think that they had nothing to do with the Bill. — What, he would ask, was the Bill printed and placed in the hands of every hon. member for? Now he would caution the Committee, and tell them that if they adopted the resolution, they passed, virtually, the bill, it might undergo some alteration, but nothing affecting its principle. The Bill he held in his hand was for a Bank of discount, and of the most dangerous principle, for it lent its money for discounted notes, private securities. Now he was astonished that the hon. Secretary could for a moment advocate so monstrous a proposition, to lend the public money for private security, and the judge of those securities to be Commissioners at the pleasure of the Crown, — the thing was impracticable; and Mr. Chairman, why, I should like to ask, should the Banks receive this money at  $2\frac{1}{2}$  per cent, — why should the Chartered Banks enjoy so valuable and exclusive privilege as to make 3 or 4 per cent out of this money, for, Sir, you must bear in mind that the hon. Secretary has earnestly denied that the Banks have any claim on the country: that being the case, then why Sir is not your name inserted in that Bill, and mine, and that of all other hon. members; surely we would like jointly with the Banks to enjoy the opportunity of making 3 or 4 per cent per annum out of this money. Sir, I reiterate the plan can never be entertained, and I solemnly protest against the money of this Province ever being lent on private securities. (Hear, hear, hear.) The original proposition, as I understood it, laid down the whole operation of this bank by Act of Parliament; but, Sir, the Bill I hold in my hand appoints Commissioners at the pleasure of the Executive, and provides that the paper shall be issued in such quantities as the Governor of the Province shall direct. — I use the words of the Act, Sir, — and that these Commissioners so appointed shall give out this money so issued, to the Chartered Banks for discounted notes or other sufficient security. If hon. gentlemen are prepared to support such a Bill, then let them vote for that resolution; but, Sir, I sincerely trust that this Committee are not prepared to press such a measure on the country, but that they will support the amendment that I have had the honour to second. — (Hear, hear, hear.)<sup>38</sup>

**Mr. Durand** made some observations, but the noise of the House rendered what he said wholly inaudible to us.<sup>39</sup>

**Mr. Small** was in favor of the principle of the Bill.<sup>40</sup>

**Mr. Baldwin** had listened with attention to the debates. He had concluded that measure was purely theoretical, and wholly without precedent. He was afraid of the extravagance of Parliament, — he alluded to the effect of war on the Issue, he asserted that it would add to the patronage £10,000 per annum, for as far as he understood it the real profit would amount to £25,000 per annum, but the available profits were stated to be only £15,000. He supposed, therefore, that the remaining £10,000 would be spent as the patronage of the Government. He believed that patronage already too great. He would recommend the House to pause before they passed this bill.<sup>41</sup>

He ((**Simpson**)) said the governing principle of the members seemed to be the effect of the measure on the banking interest, without any reference as to the gain the public would derive from it; that he was as anxious as any hon. member could be for the prosperity of the banks — that the Fiscal Bank proposed would minister to the profits of the banks as well as to the advantage and safety of the public. Honorable members seemed to indulge in most melancholy forebodings as to the effect of this measure on the banks and the public — he felt no apprehension for either. The profitable issue of bank paper would be in the exact proportion which that issued would bear to the reserved or protective fund, or in other words, to the amount of specie retained by the banks to redeem the paper issued. Now, judging by that criterion, what was the amount of profit divided by the banks from this coinage of paper money:

The issue of the Montreal Bank was .....	£ 227,048
The Bank had in its vaults cash to protect that issue .....	139,720
So that the absolute gain derived from this attribute of sovereignty, was only .....	87,328
Something more than £5,000 per annum.	
The City Bank had notes out to the am't of .....	£ 108,572
Cash in its vaults .....	45,770
The Bank therefore gained by its issue £3,700 per annum .....	62,802
The Upper Canada Bank has notes .....	£ 142,849

Cash .....	55,125
It gained therefore only .....	87,724
Or £5,000 per annum.	

The Commercial Bank of the Midland District issued notes to the amount of .....	£ 205,429
Cash in its vaults .....	82,890

Great privilege of coining only a profitable issue of ..... 122,539  
 For it could be easily understood if the banks gained by the interest on the amount of the notes issued, they lost by the interest on the specie unemployed in their vaults. Say then, that these four banks together issue as they do by the statements before the house, the sum of £683,898, — to guard this issue, they keep in their vaults specie to the amount of £323,505, — this leaves them only a profitable issue of £360,393.

The four banks then gain interest at 6 per cent. on the whole amount of their issue, and that is £683,898, at 6 per cent. ....	£41,033
They lose by the interest on their dormant, or protective fund, say £323,505, at the same interest .....	19,430
The gain is therefore only .....	21,603

Their entire issue then guarded as it is, by the specie in their vaults, yields only 3 per cent. or a small trifle more. Now then, suppose the banks took this £360,393, the whole of the profitable issue from the Fiscal Bank, they would pay for this at 3 per cent. the sum of £10,895, — they could then discount with this sum of £360,393, borrowed from the bank, and the sum of £323,505 specie in their vaults, being £683,898, at 6 per cent., this would give the sum of ..... £41,033

Deduct the sum for interest paid the Fiscal Bank .....	10,895
The Government would gain this sum of £10,895, and the banks would gain .....	30,138
On the former calculation the banks only gained on their whole issue .....	21,603
They would therefore gain .....	8,535

after paying 3 per cent. to the bank, £8,535 more than they actually gain now.

Much has been said as to the diminution of the capitals of the banks and the general and inevitable prostration of commercial credit, — he believed in no such results, or he should be the last to advocate such a system. Suppose that instead of issuing notes, these four banks took the whole amount of that issue from the Fiscal Bank, at the rate of 3 per cent., the whole amount issued is £683,898 — the banks then would pay to the public £20,516 per annum. The banks would discount with this

£683,898 at 6 per cent. also with the specie ..... 323,505 now employed, this would be ..... £1,007,403 at 6 per cent .....	£ 60,444
Deduct the amount paid to the public for the use of the notes .....	20,516
The profits on the whole would be .....	£ 39,928
Now the banks only gained interest on the £683,898, which at 6 per cent is .....	41,033
Yet after paying £20,516 per annum towards the improvement of the province, the banks would gain .....	39,928
Only .....	£ 1,105

less than at present.

It is however evident that the banks have lost the interest on the £323,505, and that instead of using a capital of both issue and specie of ..... £1,007,403  
 they use only to the extent of ..... 683,898  
 leaving the amount of ..... £ 323,505 in unprofitable unemployment.

If, therefore, these four banks paid 3 per cent. to the province for the whole amount of the notes it can keep in circulation, they would require no specie in their vaults, to protect that circulation, — it follows then that these banks would discount as well with their specie now dormant, as with the notes of the Fiscal Bank, and thus increase their discounting power to £323,505, the amount of the reserve fund. These four banks alone then would, by the means of the Fiscal Bank, increase the amount of capital employed, £324,505, the province would gain £20,516 per annum, and these four banks would lose about £1,105, or £276 5s. each.<sup>42</sup>

Mr. Simpson replied to the objections urged against the Bill — he vindicated the right of the Government to the profits of Currency Paper Money as well as Metallic (sic) Money — he denied that the Bank Coin could become a Political Engine — the privilege given to the



debts due the Banks objected to by an hon. member would enable us safely to lend money to all the Banks of the Province on the credit of those Banks. It would be ((in)) the interest of those Banks to support the credit of the Fiscal Bank not to run against it as they severally do run against each other. It would give a sound and safe Currency to the country — the exchange between the different & distant parts of the Province would cease. If the principle be acknowledged by the House the details of the Bank could be altered or amended in the Committee. It would not be difficult to reconcile the interests of the Banks and then all clamour and opposition would cease, the measure only had to be understood to become popular throughout the whole Province. It would not be long before the Country would force this measure on the House or send others to carry it through.<sup>43</sup>

The debate was continued for some time by **Messrs. Baldwin, Aylwin,** and others.<sup>44</sup>

**Mr. Cartwright** said that he thought that he might be misunderstood if he was silent. It was expected of him that he should explain his views, and notwithstanding (sic) what had already been said he should trespass for a short time on the patience of the Committee. It appeared to him that when a change was contemplated in the great questions of Currency of and circulation (questions which in all countries and none more so than in England, had divided as well as occupied the attention of the greatest statesmen and political economists, and which all admitted to be delicate and exceedingly difficult to grapple with,) the hon. member from Kingston should have proved or at least have attempted to prove that the change that was to be introduced and which would (as all admitted) produce apprehensions, was certain to bring about his object, viz., a revenue of £45,000 a year to the public, & at the same time afford to the Agriculturist and Commercial community equal advantages and facilities with those they now enjoy. It has been admitted that the present chartered banks have been of great benefit and have done much towards production, & therefore before a measure passed which would virtually deprive them of all power to aid the country with their credit, it was only reasonable that the advocates of the new system should at least show a probability that their scheme would not set us all adrift. It would be his (Mr. C.'s) endeavor to show that the idea of a revenue of £45,000 a year was not certain that it would compel the Banks to discontinue their operations — and that the Bill, if passed into a law, would be a direct violation of the public faith solemnly pledged to the holders of Bank Stock on several occasions, and on the reliance of which the Stockholders had taken their capital from other places and placed it there. An hon. member in the course of this debate had said that the circulation of a country should be no more than what it would be if Gold and Silver and not paper was the only circulating medium — this was a position that never could be maintained, how was it possible to procure Gold and Silver in sufficient quantities. It was very clearly proved by Jacobs in his work on the Precious Metals, that there was not as much Gold and Silver in circulation as there was in 1809, it had decreased from various causes, which it was unnecessary for him to mention, such was the fact. Now altho' Gold and Silver had diminished — Capital had not, business had not — but on the contrary had greatly increased. How was this? It was by the substitution of a cheap medium in the shape of Bank paper. How could the trade of Great Britain be carried on with gold and silver? Take the Bank of England as an example, its gold and silver about 5,000,000, with a circulation of more than 20; reflect upon the other Banks, and the state and amount of trade, and then say if it ever could have been brought to its present condition without this substitute. Take the United States; how could its trade have been sustained or produced — its canals and rail roads — the developement (sic) of its vast resources created, without the aid of Bank paper? He believed he was correct in stating that there was not as much gold and silver in the world in coin, as would pay the debts of that Republic. He would now return to the question of revenue, and the effect on the Banks. Any one acquainted with the trade of the Canadas (he spoke more with reference to Upper Canada) must be aware that, prior to 1820, it was but a slight degree removed from a system of barter; long credits and large profits were the order of the day. The country merchant received from the farmer the products of the soil, and he sent them to his correspondent in Lower Canada. It had been clearly shown, by an honorable member, that a few only had capital; it was the custom of these to meet together, affix the price at which they would receive the produce of the country, and 1s. 10½d. had not been an unusual price per bushel for wheat. Now, would any honorable member desire this state of things? Prior to 1820, there had been but a trifling amount of revenue received at the Port of Quebec, but it had since increased; why? because, by the extended credits which, by means of the Banks, the country had obtained, they were enabled to purchase British manufactures. This country was rich in raw materials, if he might use the term; it had timber, productive

soil, and every natural advantage, but we were poor in circulating medium; and without *credit*, our timber might rot in our forests, and our lands be uncleared<sup>45</sup> and unoccupied, and if our agriculture were depressed our commerce could not thrive, and without commerce our revenue would be gone. If our revenue was diminished, we could not pay the interest contracted for our loans, and therefore in our anxiety to get more revenue, we should take care that we did not diminish what we already had. The revenue depended on our trade, but if the Farmer could not get money for his produce — which could not be unless the merchant got accommodation — he would not purchase British manufactures, and our import trade would be greatly diminished; and he did not hesitate to say, that if the Bank of Issue was carried, it would in this way diminish instead of increase the revenue on imports, and the object proposed prove visionary. It had been stated that the public were in debt to the Banks one million. He would inform the House that the public owed the Banks 3 millions. The Bank of Montreal alone were creditors for £950,000. Now suppose that the Bank of Issue is passed, the Banks must cease their operations, and call upon the public for payment, because being reduced to their capital they could not carry on a profitable business, that is, they could not pay their expences (sic) and 6 per cent to their Stockholders. One hon. member (Mr. Simpson) had certainly, to his own satisfaction, proved that the Banks would gain £9000 a year by this arrangement, but he could tell that hon. gentleman that his calculations were erroneous. The Banks did not want this boon — they understood their own matters very well, and only wanted what the Merchants told Louis the XIV., to be let alone. Was there another member in the House who would sustain the calculations of that gentleman; even the hon. member from Kingston and the member from Oxford, who was (sic) the most strenuous in endeavoring to ruin the Chartered Institutions, admitted that it would be a serious injury to them, and only justified on the score of expediency. He would endeavor however to show that these Institutions could not be expected to continue their operations. It would be seen at once, by reference to the state of the Banks how impossible it would be for any of the present Institutions to carry on a profitable business: he would take the Commercial Bank for example, being best acquainted with it. That Institution had a capital of £200,000, its circulation was other (sic) £200,000, its deposits £50,000; it had thus the means of carrying on business to the extent of £450,000. But if you passed this Bank of Issue what would be its effect — they must call in their circulation of £200,000, and in order to do this they must diminish their discount one half, say £225,000; their capital is at once diminished one half. It may be said this circulation is to be supplied by paper of the Bank of Issue, but I ask how is this to be obtained. The £200,000 of discounts has been swallowed up by the redemption of the circulation — how then are they to obtain the amount from the Bank of Issue, for they must pay one-third in specie, one-third in Government Debentures, and one-third Bank Bonds on negotiable security. — They have only £200,000, their paid up Capital, — now if their circulation is withdrawn, how are they to obtain Government Debentures — they must pay in specie for them, for they would not pay the Notes of their Bank for Debentures, the only object of which is to procure the very paper they had already exchanged for it; then they must keep on hand sufficient to meet these bonds, or negotiable paper taken on their security, (for the Commissioners of this Paper Mint would not take it unless the Bank could be called upon to pay up their obligations on demand) and thus be obliged to have specie in their vaults as great as they now find we pay for these purposes if not greater — they might as well do business in gold and silver, and it must be apparent to every one, that the Stockholders not receiving 6 per cent. (for the expences (sic) of management, which are not trifling, must be deducted) would be obliged to shut up their establishment, call in their debts, and receive back their stock — this at once will produce some inconvenience, for if my position is true with respect to the Commercial Bank it must be also true with all other Chartered Institutions, and you virtually withdraw from the country £3,000,000, of Circulation, based upon a paid up capital of about £1,300,000 and you deprive the country at once of its credit. It appeared to him that the currency of a country was not to be considered without taking into consideration the operation of credit. Credit was virtually capital, and it was upon credit that the monied institutions were enabled to give their extended accommodation; and by it the resources of a country were brought forward, and our timber brought to market — the products (sic) of the soil greatly enhanced, and wealth created. It was needless for him to say what the effect of destroying credit would be — he felt persuaded it would be worse than a war or an invasion, and it would be much better to abandon public works for the present if it can only be done by prostrating the commercial credit of the Province. He would suppose that a gentleman in business had a real capital of £10,000, this of course gave him credit for £10,000, and he embarked in large and extensive mills and other improvements, relying on the credit which was furnished him heretofore, had gone into speculations and



all at once his credit, and virtually half his capital is destroyed — he is at once ruined, for his calculations made with prudence and discretion, and based on public faith, are frustrated, and he cannot meet his engagements, and is compelled to close his business, which was proceeding with order and discretion. An hon. member (Mr. Hincks) had stated that there were great contractions and expansions under the present system, and had cited from the years 1838, '39 and '40, to show that at corresponding periods of the year, the amount had varied. That hon. gentleman seemed to forget that a circulation depended upon the state of the crops; it was always the case in England, and he (Mr. C.) could account for the change or difference alluded to; and believed that when the crop was good in the Western section of the Province, it was about 5,000,000 of bushels, worth about as many dollars; when that took place it made trade brisk and thriving, and greater facilities were required — discounts were wanted and sought after — the circulation became extended. — This was a legitimate course, for it was based on agricultural produce, and was caused by no overtrading or speculation. — But when the crop was deficient as it was in 1838-9, he believed not more than half a crop, it was evident that a corresponding contraction of circulation must take place, and without producing any distress in the Commercial community; because it was not required. It was not fair therefore to attribute to the Chartered Banks the desire to distress or controul the public without proof, and he on their parts denied that any idea existed but a desire (as was admitted even by the hon. member from Kingston) to afford every accommodation consistent with prudence and sound discretion. He would now proceed to show the state of the Province previous to and since the establishment of the Banks. It would be admitted by all acquainted with the country prior to 1820 that the amount of business at the Port of Quebec was very trifling, a very fair inference that both our import and export trade was small. Upper Canada, with a very thin and scattered population, without capital and little credit, was reduced to a state of barter. What little business there was, in few hands and money very scarce. It was suggested that it would give encreased (sic) facilities to every kind of business if Banks were established and the question was discussed. He believed in 1817 the Bank of Montreal was established, and the following year the Bank of Canada; these Institutions received Charters similar to those which the U.C. Banks now possessed; but notwithstanding that they were carefully drawn, the Provincial Government did not feel that they could sanction them, and they were received from the King in Council; they were, however, assented to. In 1819 the Legislature of U.C. passed an Act establishing a Bank at Kingston, which was also reserved and likewise received the Royal assent; but although the capital was £<sup>46</sup> and 2 years were allowed to enable them to get a portion of the stock taken up, and they were permitted to go into operation whenever £<sup>47</sup> was paid in; the state of the country prevented it, and it lapsed for non-user. In a subsequent session of the same year 1819, the Bank of Upper Canada was incorporated with a capital of 200,000 pounds, with permission to commence operations when 20,000 was paid up, this Act was also reserved and the Royal assent declared by Proclamation 1821. Yet such was the scarcity of capital that at the coming session the friends of the Institution had to come down to Parliament confess the poverty of the country, ask that the capital should be reduced one half, that they might commence operation on 10,000, and that they could do nothing until Government actually came to their assistance, and took one fourth of their capital. They commenced operations in the autumn of 1822, when the actual paid up Banking capital in Upper Canada was the sum of £10,000. Such was the commencement of Banks in Upper Canada. But from so small a matter much benefit had accrued. Previous to this we had no Wholesale Establishments, no Importers direct from Britain — a trade so trifling that two or three vessels sufficed to do all the business; the fact was we had no capital, our credit was limited. Would any one take the trouble to compare the assessment lists of U.C. in 1822 or '23 with 1838 and '39 '40; and then judge of the advance in wealth and population in these 18 years — it was astonishing. He contended that the banks had greatly tended to produce this state of things. The bank of Upper Canada for instance, had, during the ten years that it was the sole establishment, greatly aided by its credit in bringing forth the resources of the country. Had it not been greatly instrumental in making Toronto from a small village to be a great and flourishing City? Had not the whole country felt its effects? Men of business saw clearly these advantages; they perceived that we were rich in what was truly essential to render us populous and prosperous, that it was only necessary to have accumulation of capital, to aid with its credit consequent upon such accumulation, the energies of the country, and consequently in 1831 it was determined to give greater Banking facilities, and the following session the capital of the Bank of Upper Canada was doubled, the Commercial Bank created with £100,000, and further increased in 1835, when the Gore Bank was established. Would any one present be so daring as to say that they had not done incalculable benefit to the country.



He would affirm that nothing in their transactions had occurred to create apprehension or justify distrust, no dissatisfaction existed, no sign of uneasiness on the part of the country. It was not for him to say how the affairs of the institution over which he had the honour to preside were conducted, he would leave that for others. The hon. member for Kingston had admitted that they were prudent and liberal, and he could appeal with confidence to the Commercial body in particular, and the country generally, and he would be tried by their opinion. — Could any one say that the country could be served as well by 100 individuals who each had a capital of £1000, which they were willing to lend, as if that capital united was centred in an Institution. It was the confidence of the country founded on the knowledge of the large Capital of the Banks that enable these Banks to grant facilities for the purchase of produce, and other merchantile (sic) manufactures, which they never gave to individuals. In fact the Bank lent the credit to the country, and the country profited by it, it was credit which enabled the merchant to buy produce, for he went to the Banks with good security, or letters (sic) of credit, and got money (sic) at six months. On this he entered the market, made his purchases with confidence, reasoning that before he was called upon to meet his paper; his produce would be realised and he would be in funds. The Bank of Issue was not to be a Bank of Discount, no such accommodation was to be had, no merchant could go there with his paper for discount, and he must look to the Chartered Institutions alone, or if they were destroyed go without, unless indeed he was a large capitalist. He (Mr. C.) admitted that perhaps great capitalists would not be affected, but it would ruin every man who relied upon a fair proportion of capital and moderate credit, and these last were perhaps the most useful and enterprising class of individuals. Now he was not disposed for one to run the risk of destroying the benefits which had been conferred on the country by a resolution on the desperate chance of something better, why not leave well enough alone, at least until it was shown that there was a probability that the Bank of Issue was likely to produce a greater amount of benefit, a position which he defied all the friends of that scheme to establish.

But there was another argument, and one of no trifling character in his mind, viz., the breach of faith which would be committed towards the Stockholders of these Institutions. The Gore Bank had 19 years to run — the Commercial 16 — and the Bank of Upper Canada 8. The holders of stock had withdrawn their capital from other sources and countries and had invested it at, in many instances, a premium of 16 per cent, on the faith of the public solemnly guaranteed by the Acts of the Legislature and of the solemn recognition of the Sovereign. He never could believe that the Provincial Legislature would act so wantonly as to violate the first principles of justice. He knew he might be referred to the last clause of the Charter, but he was prepared to show that it could never justify a distinction of their rights. It never could be supposed that the Legislature would be guilty of duplicity. The whole object of the clause was to enable the Legislature to render the Institution more advantageous to the public not to destroy it. (Here the hon. member from Oxford said they would tax their issues.) The hon. member says, he will tax the issues. He expected no justice from that gentleman, but he expected it from the House — he never could believe that the Legislature would do that as a body which as individuals they would be ashamed of, but it might, in its omnipotence take his property, but not without compensation. He, however, felt confident that the *Committee* would be actuated by a spirit of justice towards the Stockholders and with a desire of doing the best for the interests of the country, and if they were actuated by that feeling it would not be long before they decided against the Bank of Issue, which in his opinion would ruin the best interests in the Province.<sup>48</sup>

Mr. Hincks could not refrain from again troubling the Committee with a few observations in answer to what had fallen from the hon. and venerable member for Richelieu. (Mr. Viger.) That hon. gentleman had warned the Committee most emphatically against adopting a principle for which there was no example for the history of the world, and almost in the same breath, the hon. member had declared that all the examples of governments issuing paper had been judicious, which had resulted in national bankruptcy and individual ruin. He (Mr. H.) admitted that there was no examples of such a bank, as that contemplated in the resolutions before the Committee, but he trusted it was not in the 19th century that we were to be told that we must be bound down to follow in the footsteps of our ancestors. The hon. member had declaimed about the evil consequences that had resulted from the interference of other governments with the issues of paper money, and had cited the cases of Russia, Austria, and of the French Assignats. It was hardly necessary that he (Mr. H.) should remind the Committee, that these were all instances for which the governments referred to, had issued inconvertible paper, a principle to which he (Mr. H.) was as much opposed as the hon. member, and which would not he believed find a single advocate on the floor of this House. The basis

of the proposed circulation was to be bullion, and securities of the very best description that it was possible to obtain. The hon. member had called upon him (Mr. H.) to consult the history of his own Country. He had done so, and he could tell the hon. member that the result of that investigation was a conviction of the soundness of the principle which he now advocated. The history of his own country had taught him that there was but little confidence to be placed in the stability of Banks of Discount, Issue and Deposit, in periods of Commercial or Agricultural distress. It was unnecessary that he (Mr. H.) should remind the Committee of the numerous failures of private Banks of Issue, or of the injury sustained by the public therefrom. The hon. gentleman had also read a long lecture about the depravity of human nature, and the danger of trusting any individual with so important a charge as the management of a Bank. But was this depravity confined to the servants of the Crown? The hon. gentleman would trust private Companies with the entire control of the paper circulation, but instances might easily be found in which the public had suffered most severely from the fraud or mismanagement of the officers of private or chartered Banks. If such instances were called for, he (Mr. H.) would refer to the neighbouring States, to Banks in the City of New York, or to the great Mammoth Bank of the United (sic) States, respecting which such extraordinary disclosures had recently been made. It was a matter of astonishment to him (Mr. H.) that the hon. gentleman could be blind to the disadvantages of the present system, and to the dangerous and undue influence of the Chartered Banks. He (Mr. H.) had heard a great deal about government influence, which would it was said be greatly increased by the establishment of a Bank of Issue. He (Mr. H.) thought there was an influence still more powerful and more to be dreaded, — he alluded to the Bank influence, in the adjoining republic the people were literally enslaved by the Banks, he made this statement deliberately, and without fear of contradiction. Such was the extent of the Bank influence in the United States that it was idle and unprofitable time to attempt to resist it, and he (Mr. H.) thought there was but too much reason to fear that a similar influence prevailed in this Province if not within this very House. The hon. member for Montreal (Mr. Moffatt,) had more than once asserted that public opinion was stung (sic) against the Bank of Issue, and had referred to the recent meetings in Quebec and Montreal. He (Mr. H.) denied the correctness of the hon. member's assertion. The people of Western Canada were not in his (Mr. H.) opinion, against a measure which is so clearly for their advantage. As to the Commercial Cities there was no difficulty in ascertaining the reason of the opposition of their inhabitants to the proposed scheme. The Banks had put the screws upon the Merchants and had frightened them into opposition. It was declared that the necessary consequence of the establishment of the Bank of Issue would be a cessation of discounts, and perhaps an entire abandonment of business, it was not to be wondered at that under such circumstances there should be strong opposition to the measure, but it afforded another proof of the immense power and influence of the Banks. An objection had also been raised by his hon. friend from Beauharnois, that the Charter to the Bank of British North America was an insuperable obstacle in the way. Now he (Mr. H.) was compelled to say what was the real nature and extent of the privileges conferred upon the Institution, but he could not believe that it was beyond the control of the Provincial Legislature, and if no other means could be devised of controlling that Institute, a tax upon its issues would do so most effectually. His hon. and learned friend from Hastings (Mr. Baldwin,) had made some objections which were, it must be admitted, entitled to consideration. The first of these was the danger to be apprehended from the extravagance of Parliament, and the consequent depreciation of our debentures. If indeed such a danger was justly to be apprehended, it would be an objection, but he (Mr. H.) was unprepared to admit that the Provincial Legislature would again venture to issue debentures without providing "ways and means" to pay the interest. If we cannot have confidence in our own debentures, for the payment of which the faith of the entire Province is pledged, then indeed there is no use in our establishing the Bank of Issue, and very little propriety in our putting such debentures into circulation. The second objection suggested by his hon. and learned friend, was that in case of war or other emergency, there might be delay or trouble in negotiating their debentures. There of course is a difficulty but it would apply with equal force to the issues of the Chartered Banks. If the direful calamity of war were to fall on us, there might be a general prostration of credit, which would affect the Chartered Banks, much more than the Banks of Issue. The faith of the Province would be pledged for the issues of such a Bank, and even under the most disadvantageous circumstances a temporary suspension of specie payments would not have a very injurious tending. It was not the mere suspension of specie payments that was injurious but the expansion of circulation that generally followed, as a proof of the correctness of this assertion he (Mr. H.) would refer to the celebrated suspension of the Bank of England, and remind hon. gentlemen that so long as the circulation was kept within reasonable bounds, the Bank paper

was very nearly on a par with gold, and it was not until the circulation was mutually expanded that its value was reduced. Even therefore under the most disadvantageous circumstances, a temporary suspension of specie payments might be resorted to, without injury to the public. The last objection made by his hon. and learned friend was the patronage which would be given to government, and which he (Mr. Baldwin) did not think it safe to entrust it with. Now the extent of that patronage had been much exaggerated. It had been stated at £10,000 per annum, and that was a very extravagant estimate. That however was the total amount of the Bank expenditure, over a great deal of which the government would have no control whatever. In conclusion he would observe that he had not heard a single satisfactory reason for postponing until another Session the adoption of a principle which if sound, ought to be carried into effect with as little delay as possible.<sup>40</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair,

Resolution reported,  
and leave to sit  
again.

And Mr. *Gilchrist* reported that the Committee had come to a resolution, which he was directed to report to the House whenever it shall be pleased to receive the same; and also that he was directed by the Committee to move for leave to sit again.

*Ordered* — That the said Committee have leave to sit again to-morrow.

*Ordered* — That the report be now received.

And the report was received, and the resolution was again read at the Clerk's table, as followeth: —

Resolution.

*Resolved* — That it is the opinion of this Committee that it is inexpedient to take into further consideration, during the present Session, the establishment of a Provincial Bank of Issue, or the Issue, in any other way, of a paper currency on the faith of the Province.

Mr. *Baldwin* moved, seconded by Mr. *Aylwin*,

Motion to concur  
in Resolution.

That this House doth concur with the Committee in the said resolution.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth: —

## YEAS.

<i>Armstrong,</i>	<i>Dunscomb,</i>	<i>Morin,</i>	<i>Sherwood,</i>
<i>Aylwin,</i>	<i>Durand,</i>	<i>Morris,</i>	<i>Taché,</i>
<i>Baldwin,</i>	<i>Hale,</i>	<i>Neilson,</i>	<i>Taschereau,</i>
<i>Barthe,</i>	<i>Holmes,</i>	<i>Parent,</i>	<i>Thompson,</i>
<i>Black,</i>	<i>Hopkins,</i>	<i>Powell,</i>	<i>Thorburn,</i>
<i>Boutillier,</i>	<i>Johnston,</i>	<i>Price,</i>	<i>Turcotte,</i>
<i>Buchanan,</i>	<i>Kimber,</i>	<i>Quesnel,</i>	<i>Viger, Hon. D.B.</i>
<i>Burnet,</i>	<i>MacNab, Sir A.N.</i>	<i>Raymond,</i>	<i>Woods,</i>
<i>Cartwright,</i>	<i>Merritt,</i>	<i>Roblin,</i>	<i>Watts,</i>
<i>Christie,</i>	<i>Moore,</i>	<i>Smith, (Went.)</i>	<i>Yule. — 40.</i>

## NOES.

<i>Boswell,</i>	<i>De Salaberry,</i>	<i>Killaly, Hon. H.H.</i>	<i>Prince,</i>
<i>Cameron,</i>	<i>Draper, Hon. W.H.</i>	<i>McDonald, (Pres.)</i>	<i>Robertson,</i>
<i>Chesley,</i>	<i>Dunlop,</i>	<i>McDonald, (Glen.)</i>	<i>Simpson,</i>
<i>Child,</i>	<i>Foster,</i>	<i>McLean,</i>	<i>Small,</i>
<i>Cook,</i>	<i>Gilchrist,</i>	<i>Moffatt, Hon. G.</i>	<i>Smith, (Fron.)</i>
<i>Daly, Hon. D.</i>	<i>Harrison, Hon. S.B.</i>	<i>Ogden, Hon. C. R.</i>	<i>Steele,</i>
<i>Day, Hon. C.D.</i>	<i>Hincks,</i>	<i>Parke,</i>	<i>Williams. — 29.</i>
<i>Derbishire,</i>			

Motion carried.

So it was carried in the Affirmative, and —

*Resolved* — That this House doth concur with the Committee in the said resolution.



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Orders of day  
postponed.

On motion of Mr. *Aylwin*, seconded by Mr. *Roblin*,  
*Ordered* — That the Orders of the day that have not been disposed  
of, be postponed until to-morrow.

Then, on motion of Mr. *Aylwin*, seconded by Mr. *Barthe*,  
The House adjourned.

### Appendix, 31 August 1841.

#### ((Withdrawn Application for Evidence on Lennox and Addington Election.))

Mr. Smith applied for a copy of the evidence given before the Committee on the Lenox  
(sic) and Addington election, for the purpose of indicting two of the witnesses for perjury,  
— the application was withdrawn.<sup>50</sup>

#### Footnotes — 31 August 1841.

1. MONTREAL GAZETTE, 3 September 1841.
2. IBID.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. This debate was reported in: MONTREAL GAZETTE, 3 September 1841; KINGSTON CHRONICLE, 4 September 1841; BRITISH COLONIST, 8 September 1841, in which the speeches of Messrs. Merritt and Buchanan reported as opening the debate are the only ones not identical to those reported by KINGSTON CHRONICLE; EXAMINER, 1, 8, 15 September 1841, copied from KINGSTON CHRONICLE, 4 September 1841.
11. KINGSTON CHRONICLE, 4 September 1841.
12. MONTREAL GAZETTE, 3 September 1841.
13. KINGSTON CHRONICLE, 4 September 1841.
14. MONTREAL GAZETTE, 3 September 1841.
15. KINGSTON CHRONICLE, 4 September 1841.
16. MONTREAL GAZETTE, 3 September 1841.
17. KINGSTON CHRONICLE, 4 September 1841.
18. MONTREAL GAZETTE, 3 September 1841.
19. KINGSTON CHRONICLE, 4 September 1841.
20. IBID.
21. The tonnage for merchandise for 1840 was not printed in the newspaper. Instead, there is a blank.
22. KINGSTON CHRONICLE, 4 September 1841.
23. BRITISH COLONIST, 8 September 1841.
24. KINGSTON CHRONICLE, 4 September 1841.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. BRITISH COLONIST, 8 September 1841.
32. KINGSTON CHRONICLE, 4 September 1841.
33. IBID.
34. IBID.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. BRITISH COLONIST, 8 September 1841.
43. EXAMINER, 15 September 1841.
44. BRITISH COLONIST, 8 September 1841.
45. The texts given in the EXAMINER, 15 September 1841, and the KINGSTON CHRONICLE, 4 September 1841, are identical. However, by coincidence, the pages of both are often nearly illegible in those columns reporting the remarks of Mr. Cartwright. Therefore his speech is reconstructed by combining those extracts which are legible in either paper. This portion of his speech is taken from EXAMINER, 15 September 1841.
46. Figure missing in text.
47. Figure missing in text.
48. KINGSTON CHRONICLE, 4 September 1841.
49. IBID.
50. MONTREAL GAZETTE, 3 September 1841.

## Wednesday, 1 September 1841.

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*Petitions brought up.*

The following Petitions were severally brought up and laid on the table : —

T. L. Crooke and others.

By Mr. *Woods* — The Petition of *Thomas L. Crooke*, and others, inhabitants of the county of *Kent*.

Alexander Morris and others.

By Mr. *Sherwood* — The Petition of *Alexander Morris*, and others, inhabitants of *Brockville*, *Johnstown* District.

Anne Richardson.

By Mr. *Prince* — The Petition of *Anne Richardson*, of *Amherstburg* *Western* District.

Bill to convey a certain piece of land in *Lochiel*, passed.

An engrossed Bill to empower certain Trustees therein mentioned, to convey a certain portion of land in the Township of *Lochiel*, in the *Eastern* District, to the Rev. *John McIsaac*, was read for the third time.

*Resolved* — That the said Bill do pass.

*Ordered* — That Mr. *J. S. Macdonald* do carry the said Bill to the Legislative Council and desire their concurrence.

District Court Bill read 3d time.

An engrossed Bill to alter and amend the Laws now in force, in that part of this Province formerly *Upper Canada*, regulating the District Courts, was read for the third time.

Ryder moved.

Sir *Allan MacNab* moved, seconded by Mr. *Sherwood*,

That the following engrossed clause marked A. be added to the said Bill, by way of *Ryder*, and do follow the last clause of the said Bill, and make part thereof :

(A.)

Provided always and be it enacted, that nothing in this Act, or in an Act passed during the present Session of the Legislature and intituled "*An Act to repeal the Laws now in force in that part of this Province formerly called Upper Canada, for the recovery of small debts, and to make other provision therefor,*" shall be construed to prevent any person who was a judge in any District Court in that part of the Province formerly called *Upper Canada* at the time of the passing of the said Act, or of this Act, and who also now is a member of the Legislative Assembly of this Province, from continuing to sit and vote in the said Assembly during the present Parliament ; any thing in the said Act, or in this Act, to the contrary notwithstanding.

Ryder carried.

The said clause being thrice read, and the question of concurrence being put thereon, it was agreed to by the House.

Another *Ryder* moved.

Mr. *J. S. MacDonald* moved, seconded by Mr. *Thorburn*,

That the following engrossed clause marked B., be added to the said Bill, by way of *ryder*, and make part thereof : —

(B.)

And be it enacted, that from and after the first day of January, one thousand eight hundred and forty two, no person shall remain or be

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appointed a District Judge for any District in *Canada* West, who shall not be a resident in the District of which he shall be Judge.

Amendment moved.

Captain *Steele* moved, seconded by Mr. *Gilchrist*,

That the following engrossed clause be added to the said Bill by way of *ryder* in lieu of clause B., now offered.

And be it enacted, that from and after the first day of January, one thousand eight hundred and forty two, no person shall remain or be appointed a District Judge for any District in Canada West who shall not be a resident in the District of which he shall be Judge and no person shall be appointed to, or shall continue to hold the office of Judge, or any such District Court after the said first day of *January*, who is not or shall not be a Barrister at Law within that part of *Canada* formerly called *Upper Canada*.

On motion of Mr. *Neilson*, seconded by Mr. *Christie*,

*Ordered* — That the further consideration of the said Bill and ryder offered, be postponed until to-morrow.

*Petitions read.*

Pursuant to the Order of the day the following Petitions were read : —

Of *Æ. Bell*.

Of *Æneas Bell*, Chief Messenger and House Keeper of the late House of Assembly of *Upper Canada*, praying that the House will grant him his usual allowance for the period during which the House of Assembly did not meet.

Of *P. Lacroix*.

Of *Pierre Lacroix*, of *Quebec*, praying that the House of Assembly will recompense him for his past services as messenger of the Legislative Council of *Lower Canada*.

Of *E. Parent, Esq.*

Of *E. Parent*, Esquire, praying that he may be remunerated for his services as Law Clerk of the House of Assembly of the late Province of *Lower Canada*.

Of *J. E. Turcotte, Esq.*

Of *Joseph Edouard Turcotte*, Esquire, representative of the County of *St. Maurice*, complaining of being charged with the costs incurred by him on the contestation of his election and return for the said County, and praying relief.

Of *J. Lister & others*.

Of *John Lister*, and *Bowman, & Co.*, Merchants, stating that they are sufferers by the robbing of the Mail between *Kingston* and *Brockville*, on or about the 26th *April*, 1839, and praying relief.

Of *J. Parish* and others.

Of *John Parish*, and others, inhabitants of the Township of *Yonge*, praying that a division may be made from the concession line between the 4th and 5th Concessions in *Yonge*, and *Yonge* formerly *Escott*.

Of *H. Scovie* and others.

Of *Hugh Scovie*, and others, inhabitants of the Township of *Yonge*, praying that that portion of the said Township formerly known by the name of *Escott*, be formed into a separate division, for Township purposes.

Of *C. McPherson* and others.

Of *Charles McPherson*, and others, of *St. Polycarpe*, County of *Vaudreuil*, praying for an Act to authorize them to open a road along the *North Bank* of the River à *Beaudette*.

*Petitions referred.*

Of *W. McCrea* and others, to select Com.

On motion of Mr. *Woods*, seconded by Mr. *Cameron*.

*Resolved* — That the Petition of *William McCrea, Duncan McGregor*, and others, Magistrates and inhabitants of the *Western District*, presented to the House, on the 12th of *July* last, be referred to a select Committee, composed of Mr. *Prince*, Mr. *Cameron* and Mr. *Henry Smith*, to examine the contents thereof, and to report thereon, with all convenient speed, by Bill or otherwise ; with power to send for persons, papers, and records.

Of *E. Parent, Esq.* to sel. Com.

On motion of Mr. *Baldwin*, seconded by Mr. *Price*.

*Resolved* — That the Petition of *E. Parent*, Esquire, be referred to a select Committee, composed of the Honourable Mr. *Daly*, the Honourable Mr. *Dunn*, Mr. *Morin*, and Mr. *Aylwin*, to examine the con-

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tents thereof and to report thereon with all convenient speed ; with power to send for persons, papers, and records.

Of *P. Lacroix*, to Com. of whole on Salary of Speakers, &c.

*Ordered* — That the Petition of *Pierre Lacroix*, of *Quebec*, be referred to the Committee of the whole House to take into consideration the subject of the message of His Excellency, the Governor General, relative to the salaries of the Honourable the Speaker of the Legislative



Council, and the Honourable the Speaker of this House, and the salaries of the Officers of both Houses.

Of J.E. Turcotte, Esq.  
to select Committee.

On motion of Mr. *Christie*, seconded by Mr. *Buchanan*.

*Resolved* — That the Petition of *Joseph Edouard Turcotte*, Esquire, representative of the County of *St. Maurice*, be referred to a select Committee, composed of Sir *Allan MacNab*, Mr. *Quesnel*, Mr. *Prince*, Mr. *Morin*, and Mr. *Price*, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Of E. O'Donnell and  
others, to Committee  
on Petition of Justices  
of the Peace, Home  
District.

*Ordered* — That the Petition of *Edward O'Donnell*, and others, inhabitants of the City of *Toronto*, presented to the House on the 27th of *August* last, be referred to the select Committee to which was referred the Petition of the Justices of the Peace of the *Home* District, and other references.

Of A. McDonell, to  
select Committee.

On motion of Mr. *Simpson*, seconded by Mr. Solicitor General *Day*.

*Resolved* — That the Petition of *Allan McDonell*, of *St. Andrew's*, Township of *Cornwall*, presented to the House on the 25th of *August* last, be referred to a select Committee, composed of Mr. *J. S. MacDonald*, Mr. *D. McDonald*, Mr. *McLean*, and Mr. *Robertson*, to examine the contents thereof, and report thereon with all convenient speed; with power to send for persons, papers, and records.

Return of situations  
held by Commis-  
sioner's on Toronto  
Riots, laid before  
the House.

The Honourable Mr. *Harrison*, presented, pursuant to an address of the House of Assembly, of the 25th of *August* last, a return relative to the situations, or places of profit, held under the Government of this Province, by the Commissioners appointed to investigate the late Riots at *Toronto*:

Return.

"Return to an address from the House of Assembly to His Excellency the Governor General, dated 25th *August*, 1841, praying to be informed "what situations or places of profit and emolument are held, if any, under the Government of this Province, by the Commissioners who were appointed to investigate the late Riots at *Toronto*, and what remuneration has been paid to the said Commissioners in their said capacity.

*W. N. Coffin* — Commissioner of Police for that part of the Province heretofore *Lower Canada*.

*N. Fullam* — No appointment under the Crown.

Amount paid for expenses of Commission, £162 6 9 Cy.

T. W. C. MURDOCH,"

Return respecting  
Light Houses laid  
before the House.

*Kingston*, 30th *August*, 1841.

And also, pursuant to an address of the House of Assembly, of the 6th of *August* last, a return on the subject of the Light Houses within the late Province of *Upper Canada*.

For the said Return See Appendix (G. G.)

Committee on Petition  
of J.S. Baldwin and  
others, reports.

Sir *Allan MacNab*, from the select Committee to which was referred the Petition of *J. S. Baldwin*, and others, Citizens of *Toronto*, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:—

"Your Committee, having given to the said Petition their best and

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Report.

most serious attention, and having maturely considered the proposition therein set forth, for the alternate assembling of the Legislature at *Quebec* and *Toronto*; and being fully impressed with the conviction that such a measure would not only be acceptable to the great body of the inhabitants of *Canada*, but would, at the same time result in a great saving of expenditure to the public, have, in compliance with the prayer of the Petition, prepared an address to Her Most Gracious

Majesty the Queen, which they recommend for the adoption of your Honourable House, to be transmitted through His Excellency, the Governor General, to be laid at the foot of the Throne.

Report referred to Committee of whole to-morrow.

*Ordered* — That the said report be referred to a Committee of the whole House, on to-morrow.

Mr. *Williams*, from the select Committee to which were referred the amendments made by the Legislative Council to the Bill intituled "*An Act to enable Religious Societies of all denominations of Christians to hold the lands requisite for certain purposes therein mentioned*," presented to the House the Report of the said Committee, which was again read at the Clerk's table.

Report referred to Com. of whole, Friday.

*Ordered* — That the said Report and amendments be referred to a Committee of the whole House on *Friday* next.

Com. on Trinity House Bill report Bill as amended.

The Honourable Mr. *Daly*, from the Select Committee to which was referred the Bill to repeal and amend, in part, certain Acts, and a certain Ordinance therein mentioned, and to extend the power and increase the funds of the Corporation of the *Trinity House of Quebec*, reported that the Committee had gone through the Bill, and made several amendments thereto, which amendments were again read at the Clerk's table.

Bill referred to Com. of whole, to-morrow.

*Ordered* — That the said Bill and Report be referred to a Committee of the whole House on to-morrow.

Committee on Penitentiary present report and Bill.

The Honourable Mr. *Daly*, from the Special Committee appointed to consider the affairs and management of the Provincial Penitentiary of that part of the Province heretofore *Upper Canada*, and the propriety of extending the operation of the Institution to that part of this Province heretofore *Lower Canada* — with power to report by Bill or otherwise; presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth: —

Report.

The Select Committee to whom was referred the consideration of the affairs and management of the Provincial Penitentiary of that part of the Province called *Upper Canada*, and the propriety of extending the operation of the Institution to that part of the Province called *Lower Canada*, beg leave to report a Bill for the purpose of effecting the latter object, together with the annual Reports of the Warden and Inspectors of that Establishment, and accompanying documents. (See Appendix M.)

The Committee, having visited the Establishment, express themselves fully satisfied with the order and regularity which prevails therein, and with the general management of the Establishment.

Bill to extend Penitentiary to Canada East brought in and read.

The Honourable Mr. *Daly* then presented to the House a Bill to render the Penitentiary erected near *Kingston*, in the *Midland District*, the Provincial Penitentiary for *Canada*, which was received and read for the first time.

Second reading Thursday.

*Ordered* — That the said Bill be read a second time on *Thursday* next.

Return respecting Jesuits' Estates laid before the House.

The Honourable Mr. *Daly* presented, pursuant to an Address of the House of Assembly of the 26th of *August* last, a Return on the subject of Estates appertaining to the late order of *Jesuits*.

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Return.

Detailed Statement of the Expenditure, by Her Majesty's Government, of all monies out of the Public Chest of the Province of *Lower Canada*, and which came into the Receiver General's hands, as rents, issues and profits, of the Estates appertaining to the late Order of *Jesuits*, for the last five years.

(NIL.)

No expenditure has been made within the last five years, out of the Public Chest of the Province of *Lower Canada*, of monies which came into the Receiver General's hands, as rents, issues and profits, of the Estates appertaining to the late Order of *Jesuits*.

JOS. CARY,  
Insq. Gen. Accounts.

Kingston, 27th August, 1841.

Also a Copy of a Commission appointing *William Benjamin Simpson*, Esquire, Collector of Her Majesty's Customs at the Port of *Coteau du Lac*.

PROVINCE OF }  
CANADA. } L.S.

(Signed) SYDENHAM.

Also copy of Commission appointing Mr. Simpson Collector at Coteau du Lac.

Commission appointing Mr. Simpson Collector of Customs at Coteau du Lac.

Commission appointing William Benjamin Simpson, Esquire, Collector of Her Majesty's Customs at the Port of Coteau du Lac.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

To all to whom these presents shall come, or whom the same may concern.

GREETING :

FIAT.  
Recorded in the Register's Office of the Records at Quebec, the eighth day of March, 1841, in the sixteenth Register of Letters Patent and Commissions.

(Signed) T.W.C. MURDOCH,  
Reg'r.

Know Ye that, reposing trust and confidence in the loyalty, integrity and prudence, of Our beloved and faithful *William Benjamin Simpson*, Esq., of *Coteau du Lac*, in Our District of *Montreal*, We, of Our especial grace, certain knowledge, and mere motion, have constituted and appointed, and by

these presents do constitute and appoint the said *William Benjamin Simpson* to be Collector of Our Customs at the Port of *Coteau du Lac*, in Our said District of *Montreal*, in that part of Our Province of *Canada* which lately formed Our Province of *Lower Canada*, with full power and authority to do and perform all such acts, matters and things, as may be necessary, and may belong to the said office to be done, for the securing, levying, collecting and receiving, of all and every the duties, imposts and revenue of Customs, due, and to grow due, to be levied and become payable to Us, Our Heirs and Successors, and to be collected and received at the said Port of *Coteau du Lac*. To have, hold, exercise and enjoy, the said office of Collector of Our Customs as aforesaid, with all and every the powers, authority, salary, fees, rights, profits and advantages, to the said office appertaining, and which of right ought to appertain to the same, unto him, the said *William Benjamin Simpson*, for and during Our Royal pleasure, and the residence of the said *William Benjamin Simpson*, in Our said District of *Montreal*.

In Testimony whereof, We have caused these Our Letters to be made patent, and the Great Seal of Our said Province of *Canada* to be hereunto affixed.

Witness Our Right Trusty and well Beloved, the Right Honourable *Charles*, Baron *Sydenham*, of *Sydenham*, in the County of *Kent*, and of *Toronto* in *Canada*, one of Our most Honourable Privy Council, Governor General of British *North America*, and Captain General and Governor in Chief in and over Our Provinces

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of *Canada*, *Nova Scotia*, *New Brunswick*, and the Island of *Prince Edward*, and Vice Admiral of the same.

At Our Government House, in Our City of *Montreal*, in Our said Province of *Canada*, the fifth day of *March*, in the year of Our



Lord, one thousand, eight hundred and forty one, and in the fourth year of Our Reign.

(Signed)

D. DALY,  
Sec'y.

A true Copy.

D. DALY,  
Sec'y.

Report of Com. to search L. Coun. Journals on Bill to secure justice in the late General Election, referred to Com. of whole, Friday.

On motion of Sir Allan MacNab, seconded by Mr. Thorburn,  
*Ordered* — That the report of the Select Committee appointed to search the Journals of the Honourable the Legislative Council, as to what proceedings are therein, with relation to the Bill sent up from this House to that Honourable Body, entitled "*An Act for preventing any failure of Justice in respect of complaints of undue Elections or Returns of members of the Legislative Assembly of this Province,*" and to make Report thereof to this House, be referred to a Committee of the whole House on Friday next.

Committee on Election for 2nd Riding of York, report absence of two members.

Mr. Roblin, Chairman of the Committee appointed to try the merits of the Petitions of *Connell James Baldwin*, and of divers Electors of the 2d Riding of the County of York, complaining of the undue election and return of *George Duggan*, Esquire, as a member to represent the said Riding, reported to the House that, agreeably to the order of the House, the Committee met, and after having waited for one hour, in accordance with the Statute in this case provided, they adjourned until half past 9 o'clock, A. M., to-morrow, in consequence of the absence of Messieurs *Aylwin* and *Parke*, members of the said Committee.

Committee on Petition of Justices of Home District report.

Mr. Buchanan, from the Select Committee to which was referred the Petition of the Justices of the Peace of the *Home* District, and other references, with power to report from time to time, presented to the House the first Report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

Report.

"Your Committee have examined the said Petition, and recommend the prayer thereof to the adoption of Your Honourable House, viz : that the debts of the old and new Jails of the *Home* District be consolidated, thus making the principal and interest of the same, payable out of the funds of the District, remaining beyond the ordinary assessment of one penny in the pound, and securing the whole on the Old Jail and Court House block ; and also that it be provided that the several townships now forming part of the *Home* District, but which it is enacted shall hereafter belong to the new District of *Simcoe*, be relieved from their present liability to pay their proportion of the old debt of the District."

Mr. Buchanan moved, seconded by Captain Steele,

That the said Report be now referred to a Committee of the whole House.

House in Committee on above report.

The question having been put upon the said motion, a division ensued, and it was carried in the Affirmative.

The House accordingly resolved itself into the said Committee.

Mr. Williams took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Williams reported, that the Committee had come to several

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Resolutions reported.

Resolutions, which Resolutions were again read at the Clerk's table, and agreed to by the House, and are as followeth : —

1st. Resolution.

*Resolved* — That it is expedient to consolidate the Debts of the Old and New Gaols of the *Home* District, and to apply to the security and

liquidation of such consolidated Debt the whole security and revenue now applicable to either Debt.

*Resolved* — That it is expedient that those Townships now comprised in the *Home* District, which it is enacted shall hereafter constitute the District of *Simcoe*, be relieved from their present liability to pay their proportion of the old Debt of the *Home* District.

*Ordered* — That Mr. *Buchanan* have leave to bring in a Bill to consolidate two certain Debts due by the *Home* District, and to make provision for the payment thereof.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Monday* next.

On motion of Mr. Attorney General *Ogden*, seconded by the Honourable Mr. *Harrison*.

*Resolved* — That this House will, on *Saturday* next, resolve itself into a Committee of the whole House, to consider the expediency of repealing a certain Ordinance of the Governor and Special Council of the late Province of *Lower Canada*, intituled "*An Ordinance to provide for the more easy and expeditious administration of Justice in Civil Causes, and matters involving small pecuniary value and interest, throughout this Province,*" and to provide by other Legislative Enactments for that object; and that the said Order be then the first Order of the day.

A Bill to empower *George Durand*, Esquire, to construct a Canal for Mill purposes in the Township of *Sarnia*, was, according to Order, read a second time.

*Ordered* — That the said Bill be engrossed.

A Message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery.

MR. SPEAKER,

The Legislative Council have passed the following Bills, with several amendments, to which they desire the concurrence of the Assembly :

"*An Act to regulate the Fisheries in the District of Gaspé.*"

"*An Act for the disposal of Public Lands,*"

And then he withdrew.

The Order of the day for the House in Committee to take into consideration the Message of His Excellency, the Governor General, relative to public improvements, together with the documents accompanying the same, and other references, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Gilchrist* took the chair of Committee.<sup>1</sup>

2nd Resolution.

Bill to consolidate certain debts of Home District brought in.

House to go into Com. on Saturday, on repealing Ordinance respecting recovery of small debts.

Bill to allow G. Durand to construct a Canal read 2nd time.

Bill to be engrossed.

Message from Leg. Council.

Bills sent down amended.

Gaspé Fisheries Bill.  
Public Lands sale Bill.

House in Committee on Message on Public Improvements.

Mr. *Harrison* rose to submit to the House his views upon the remaining Resolutions on the Public Improvements of the country, and when he had disposed of the third, he would, in conformity with the wishes of the House, as expressed yesterday, proceed to take up the 5th Resolution. He said, as it had been supposed by some that the proposed grant of one million and a half would be affected by any change of Administration at home, he felt desirous of setting the House right upon that subject. If the House would allow him, he would refer to the Despatch itself, in which it would appear, that Lord John Russell stated that he was authorized by the Queen's Government to make this pledge — that pledge was made, in a way well understood at home, to mean that whatever changes might take place, the new Ministry, if there was one, was pledged to redeem it. He hoped, therefore, that no impression of that kind would be allowed any longer to exist. The pledge, however, was not an unconditional one; it was made a condition that part of the money, so to be advanced, should go to pay off as much of the existing debt of the Province as the creditors were disposed to receive, and upon such terms as could be most advantageously made for the benefit of the Province. Many of these debentures would not become due for fifteen years, and, as no doubt they would

rise in value, it was probable the holders of them would not wish to part with them, but keep them as a security, for which they were receiving five per cent. If that should be the case, the Province would have a larger proportion of the million and a half to expend on improvement. It had been said, why pay off the debt at all ; all he would say, in reply, was, that so the Queen's Government willed it, and it would not be thought extraordinary, when it was recollected that these debentures had been issued without any provision either for their liquidation, or even the payment of their interest. It was thought (sic) best, therefore, and more for the credit of the Province, to pay off these debts — and that the Province, in a financial point of view, should begin "*de novo*." That, being out of debt, and the finances placed upon a sound basis, we may go into the market, if it became necessary, and with the means of making the most advantageous terms for ourselves. The resources which were at the command of the Province, arising out of the proposed arrangement, would give us about £20,000 per annum. This would be equal to pay off the interest of the principal sum of £400,000, which might be appropriated to the carrying on such of the works of the first class, as may be thought most desirable. He would now proceed to a consideration of the fifth Resolution, but as the House had thought proper yesterday, to disallow the proposed source of revenue, to be derived from the Bank of Issue, and which would have amounted to somewhere about £25,000, and have paid the interest of about £500,000, it would ((be)) something like an impossibility to raise the principal, when no means were provided to pay the interest. A tax on spirits had been proposed, which, he believed, would prove fallacious ; the tax on spirits, in the Upper Province, he believed, was as much as it would bear ; it was true there was no tax at all in the Lower Province, but the grain grown there was of an inferior quality, for the most part, and it would be considered injurious to put a tax on any thing affecting that article. The Custom duties had also been allued (sic) to, but it did not, at present, appear to him, that any considerable advantage could be derived from that source. He should, however, leave these matters for the consideration of the House, and reserve himself for any reply which he might feel it expedient to make in a future stage of their proceedings.<sup>2</sup>

**Mr. Thorburn** complained that the Finance Committee had not done their duty ; they ought to have brought forward suggestions of ways and means. He believed an auction duty would be a profitable source of revenue. The late Collector at the Port of Toronto had increased the revenue, by his assiduity, fully one-third, and he had no doubt, other ports would admit of a similar revenue. The licensing system also required amendment — the District of Niagara now paid one-fifth of the whole revenue arising out of this department — and it was, therefore, impossible that improvement could not be made. He also thought a considerable additional revenue might be raised from articles supplied by the Americans, particularly that of cheese, most of our consumption being supplied by them.<sup>3</sup>

**Mr. Hincks** thought, we ought to confine ourselves to the third Resolution — (hear) — it may be possible for us raise two or three thousand a year ; but it was impossible that we could raise four hundred thousand, without an additional revenue from some source. He had always considered an auction duty injurious to business — it was well known that a large extent of the business of the merchants of Montreal, was done by the medium of public sales.<sup>4</sup>

**Mr. Merritt** wanted to be shewn what the interest of £1,500,000 would be in London — and he saw little difficulty in paying the interest.<sup>5</sup>

**Mr. Hincks** said the Hon. gentleman would see all those calculations by a reference to the Finance Report, where the calculations were all accurately made.<sup>6</sup>

**Mr. Holmes** could not understand why the old loan must be paid off, and why the whole million and a half should not be applied to the completion of our public improvements. There was a very easy way of raising the required additional £40,000 — and that was by adding to our import duties, by which £27,000, currency, would be obtained ; a direct tax on distilling, he could not but believe, would be productive, together with an additional tax on all wines and brandy imported ; and if 2½ per cent was levied, not in the way the Act was at present worded, but by a tax on all goods sold by auction, these items would produce a sufficient revenue to make up the £40,000. He would, therefore, move, in amendment that it is, in the opinion of this Committee, expedient that the several improvements recommended in the Message of His Excellency the Governor General on Public Works, be undertaken, as of the highest importance to the prosperity of this Province, — and the welfare of its inhabitants



— and that the requisite provision be made by the House for the Payment of the interest upon the sum of £1,500,000, to be borrowed under the guarantee of Her Majesty's Government — but that the said million and a half be applied — not to the liquidation of the existing debt of this Province — but, exclusively, to the carrying out of the proposed improvements.<sup>7</sup>

**Dr. Dunlop** was glad to hear the Secretary's declaration, that the loan was guaranteed by the Queen. It had been the impression of many persons, that a trap had been laid for us, and that we had fallen into it. There was no tax on whiskey, there was, indeed, a tax on stills, but a tax on whiskey, which would not add a farthing a glass to the consumer, would raise a large revenue. He said he believed the tax on stills was called Arch-Deacon's Cheap Whiskey Bill. He denied that inferior grain was always used in distilleries; in his place, as fine wheat as was grown was used for that purpose. He thought the attention of the House should be directed to the collection of the Timber Duties — his Hon. friend from the frontier (Mr. Thorburn) had a fondness for dealing in "cheese parings and candle ends," but he did not think it would be a very profitable source of revenue. His Hon. friend from Lincoln (Mr. Merritt) did not seem to like figures — he thought to increase the revenue by taking off the duty — (a laugh).<sup>8</sup>

**Mr. Harrison** said he must oppose the amendment of the Hon. Member for Montreal (Mr. Holmes) — it went, decidedly, against the proposition of the British Government; that proposition contained their ultimatum, and we were at liberty either to accept or reject it. If we did not like the terms offered, we were at liberty either to accept or refuse them, but we were not at liberty to borrow the money upon our own terms. He then read the Despatch, together with the Speech from the Throne, at the opening of the Session; and made it fully apparent that his views were correct.<sup>9</sup>

**Mr. Moffatt** also referred to the Despatch, and said he put a very different construction upon it from the Hon. Secretary. The Despatch was dated 14th July, and was, undoubtedly made in reference to the state of circumstances at that time. The revenue, if now consolidated, is equal to discharge the interest upon the debt; and, as the public creditor could not call on us for payment for fifteen years to come, he did not see why we should pay it off now. He thought the amendment would have a tendency to relieve the Government; it was evidently the object of the British Government, not only to raise the credit of the Province, but to carry on the Public Works. These debentures were now, he believed, at full 12½ per cent discount; no doubt they would rise to par, and the holders of them would not be anxious to sell them. He considered, too, that the revenue of the Province was pledged, by the Union Bill, to pay off the interest of the debt — he thought it far more advantageous to the country to let the existing debt remain, and make use of the whole loan in carrying on the improvements, which he believed was consistent with the intentions of the British Government.<sup>10</sup>

**Mr. Hincks** considered the course recommended by the Member for Montreal, as impracticable, and (sic) if we proceeded to cavil at the mode proposed to us, the probability was, that we might lose it altogether. He had heard it said that the loan was all a humbug — he was, therefore, desirous of throwing it upon the Administration to carry out their own offer, and fulfil the pledge they had given. The plain and business-like view of the case was this — we have a revenue of £300,000 — we owe a debt of about £1,300,000 — and the expenses of the Government, with the interest of our debt, are about equal to our revenue. The Government are willing to lend us a million and a half, to pay our debt, or as much of it as can be demanded — provided they have the security that the interest of that debt will be the first clause on our revenue, as provided by the Union Act; but he (Mr. Hincks) doubted whether the Imperial Parliament would be disposed to guarantee so large a sum on the security of new taxes, the productiveness of which have never been tested.<sup>11</sup>

**Mr. Dunn** made a very plain straight forward statement, showing that by this means at 4 per cent. we could pay off £600,000. We ought, said he, to be thankful to the British Government for having offered to do to us what it had refused to other colonies. For example, said he, the government of the Ionian Isles requested only £25,000 by way of loan, and I myself was applied to on the subject. (What success the application met with, could not exactly be heard.) The present value of our debentures, £83, or £84 per £100, he said was not owing so much to the depreciation of our stock, as it was to the fluctuation of American securities, which from a variety of circumstances, materially affected ours.<sup>12</sup> The British public ... ((did not distinguish)) between the two countries, all being considered as North American Stock.<sup>13</sup> However, he was of opinion that the holders of our debentures, would be very willing

to allow us to purchase them as they now stood, rather than risk the value of them being still further diminished.<sup>14</sup>

**Mr. Moffatt** thought the Member for Oxford, (Mr. Hincks) had not properly taken into account the ultimate liquidation of the debts proposed.<sup>15</sup> Mr. Moffatt contended that we had nothing to do whatever with a former debt — the British Government guaranteeing a loan to be applied to purposes that would make this country an enviable one.<sup>16</sup>

**Mr. Boswell** said, that according to the amendment, the loan was supposed to be a mere matter of certainty, — he differed from such an opinion. With his view of the despatch of Lord J. Russell (the hon. member here read it,) it was expressly stipulated in that document, that the existing debt should be paid off, a loan being guaranteed according to "restrictions suggested by this Government." If any of the holders of the debentures refuse to accept payment of them, said he, then so much of the loan at a low rate of interest will be applicable to public improvements in addition to the surplus which would have remained had we redeemed the whole. In his opinion British capitalists would be much more ready to lend to a colony, where a sure provision was made to pay off the interest, than if arrangements were made of a precarious security. By the plan now submitted, he estimated that we should save £20,000 per annum, and be able to go into the market and make such a contract as would be advantageous to us.<sup>17</sup>

**Mr. Dunscomb** differed from the hon. member, construing the despatch to intend the loan to be applied exclusively to public works.<sup>18</sup> ((He)) proceeded to read the address and speech, and commented upon them as he went along. He would support the amendment.<sup>19</sup>

**Mr. Harrison** thought the Head of the Government might be permitted to understand his own despatches, and the conclusion to which he had arrived, was that stated by himself.<sup>20</sup> The hon. member then read from the despatch, commenting upon the various passages throughout, which had clearly a distinct reference to the debt.<sup>21</sup>

**Mr. Merritt** explained, and said we should be able to borrow any sum we required, without reference to the British Government. He proposed that we should offer as security the following revenues: — The revenue arising from the imports of 2½ per cent, which he estimated at £50,000; the Welland Canal, £25,000; the Lachine Canal, £15,000, the Burlington Bay Canal and the Harbour, £5000; together £95,000.<sup>22</sup>

((Mr.)) **Roblin** followed ... in terms not calculated to forward the proposed plan.<sup>23</sup>

**Mr. Buchanan** said he was desirous that the government should act up to what it had promised — The arrangement submitted, he thought might have been better, but according to the present plan, we should secure a disposable sum of £400,000; on the other hand, we should get nothing at all. The Receiver General's plan, he said, would offer a primary security, the amendment only a secondary one. — With respect to raising the revenue now required, he trusted the house would unhesitatingly give the government that efficient support which it needed for that purpose.<sup>24</sup>

**Mr. Small** said we were all willing enough to have the million and a half. For his own part, he was disposed to place a sufficient degree of confidence in the head of the Board of Works, to be guided by his projects in its appropriation; indeed he believed we had no alternative.<sup>25</sup>

**Mr. Receiver General Dunn** said great misconception (sic) prevailed about the finances of the Province. He had first negotiated £200,000 at £99 for £100; next £200,000 at the same rate; £60,000 had (sic) been sent to the house of Barings, to pay them for an advance they had made, and a few of them, about £25,000, perhaps, had been sold under par. The holders of the debentures at present, who were offering them at 84 or 85, were not the original purchasers, but persons who had speculated in such matters. He had no doubt whatever, that they would now get up to par, nor did he hesitate to say that he could sell any amount of stock, so as to obtain money at least as low as 5 per cent, if not lower.<sup>26</sup>

**Mr. Williams** thought we were entering on a very useless discussion. We had received the offer of Government under certain stipulations, and the question was, should we accept it or not.<sup>27</sup>

**Mr. Hincks** wished to explain, he had not attached blame to any one; he had merely stated that about £25,000 had been sold, he believed, at 82 or 83. The Home Government now knew our precise situation, they would not take upon themselves any responsibility of advising the guarantee of so large a sum of money without sufficient security.<sup>28</sup>

**Mr. Thorburn** stated that the loss arose out of Messrs. Thos. Wilson's house; there was no other loss.<sup>29</sup>

**Mr. Johnston** said the amendment advocated a wild and improvident scheme, which would be injurious to the farmers, who wanted only good roads by which to send their produce to market.<sup>30</sup>

**Mr. Aylwin** addressed the House, but from the noise and confusion, and evident impatience which prevailed, it was difficult to get at his object.<sup>31</sup>

**Mr. Baldwin** was not prepared to involve the country in such an extensive debt — a large portion of which he feared would be expended in a way not the most judicious; but now that we had a Board of Works, with the Hon. gentleman, the Member for London, at its head, he would make all right. Now, he did not feel quite so much confidence as some did in the Board of Works. He observed most of these estimates were said to be made by Mr. Keefer. Now, Mr. Keefer may be a very clever man, but he preferred thht (sic) the President of the Board should have taken the responsibility upon himself. He would have the House pause, before they ventured to borrow more money. The Treasury brings down a programme of public improvements, for the sake of obtaining a temporary popularity — and with folded arms, lay them before the House. He was prepared to complete the St. Lawrence, out of a regard to justice to our brethren in Lower Canada, on whom we had imposed a debt, as well as a Constitution, without their consent, and contrary to their will. He would, therefore, consent to finish the St. Lawrence Canal, but he would then pause before he went further. *He would make no other improvement*, and he would not vote for the amendment as it now stood. He thought we ought to take up the minor improvements in Lower Canada (sic) also — it was very unjust to be spending so large a sum on the western parts of the Province. He felt bound to join in a vote for the completion of the St. Lawrence, which he thought would be the greatest benefit to the greatest number, and there he would stop.<sup>32</sup>

**Sir Allan MacNab** said, if that was to be the case, the country had been greatly deceived. The promise of the million and a half was a mere bubble and the country would be disappointed (sic) from one end of it to the other.<sup>33</sup>

**Mr. Draper** defended the Government from the imputation of the Hon. and gallant Knight, and in his usual happy strain of eloquence and satire, replied ((to)) Sir Allan's observations.<sup>34</sup>

**Mr. Cameron** had no wish to prevent every improvement which could be made — the observations of the Member for Montreal deserved every consideration. He (Mr. C.) could not vote for a measure, which, if carried, would be at the expense of every part of the Province.<sup>35</sup>

**Mr. Holmes** agreed to withdraw his amendment....<sup>36</sup>

**Mr. Baldwin** moved that the St. Lawrence should be completed in the first instance.<sup>37</sup>

This, as **Mr. Harrison** said, would of necessity, absorb all the disposable funds, and it was useless, to proceed unless additional revenue could be suggested.<sup>38</sup>

**Mr. Merritt** proposed that the item of the St. Lawrence, with the sum of £500,000 should be placed in the first class, which was seconded by **Mr. Viger** — and after a full hour of confusion, was carried by the the (sic) French party, by a majority of one.<sup>39</sup>

Yeas 29 — nays 28.<sup>40</sup>

**Mr. Aylwin** ... ((modified)) the resolution, so as to specify the liquidation of the debt upon advantageous terms to the colony, carrying without a division.<sup>41</sup>

It was proposed by the Hon. Secretary ((**Mr. Harrison**)) to advance 2½ per cent on the import duties. It had also been suggested to levy a duty on wine and spirits imported — and on the latter the duty was to be regulated by the hydrometer — and not, as at present, by



the gallon, whether the spirit was strong or weak — as it was clear that spirits imported of a strength, one to three over proof, when reduced to the strength at which it is usually sold in taverns, would admit of an admixture of one half water; and in fact the 100 gallons of strong brandy was equal to and ought to pay for 150 gallons if reduced in strength. He considered the duty of 5d per gallon on molasses too high and should propose to reduce it. Roasted coffee would bear a small advance.<sup>42</sup> With respect to salt, it was an article so important, that in order to enable us to reap the benefit of increased profit upon well-cured provisions, by substituting the use of Liverpool salt for that which we now procure from the States, he would propose to reduce the duty on it to as low a rate as possible, say one farthing per bushel, or \$1 per ton.<sup>43</sup> An alteration was intended on the duties on tea, but as it was understood that the Americans were about to put a duty on that article, it was deemed desirable to let that article alone till they had legislated on it. The articles would, no doubt, add in some slight degree to the amount of the present duties, but the main article on which he would be disposed to rely was the duty on imports.<sup>44</sup> Then comes, said the hon. member, the great question of British manufactured goods, paying 2½ per cent., which I propose to raise to 5 per cent. Leaving out the item of tea, said he, the whole increase of revenue by these means to be obtained will be about £40,000, which with the reduced interest of the debt, will leave a yearly amount of £60,000 to be applied to pay off a loan for public works. The sum total then at our disposal, said the Hon. Secretary, having been ascertained, and such sum falling short of the amount required, it is incumbent on us to make a selection of those works most essential for the benefit of the province. The Welland Canal, he was of opinion, had a prior claim in point of importance; — with respect to the St. Lawrence, he was ready to concede the propriety of not allowing what had been expended on it to be thrown away, and the work to perish. The house would, however, decide according to its judgment, what amount it was expedient to lay out upon it.<sup>45</sup>

**Mr. Hincks** wished to know what money we were about to expend — the Hon. Member for Hastings (Mr. Baldwin) had said he should oppose all others but the Welland Canal, and it was useless to vote supplies, if the contemplated improvements were not ((to)) be made.<sup>46</sup>

**Mr. Harrison** said if his plan had been acted upon, that course would have been pursued — which was, find what works were necessary, what the cost would be, and how the money was to be got; however, he thought we had better now proceed, as we could find a way to spend whatever we could get.<sup>47</sup>

**Mr. Thorburn** thought the Hon. Secretary had not made out a case with respect to the duty on salt; he thought the duty on salt from the United States, would produce a revenue of two or three thousand pounds.<sup>48</sup>

**Dr. Dunlop** said, no doubt the good folks on the Niagara frontier were more honest than those on the Western, but he believed, that for every ten barrels which paid duty, fifty or one hundred were smuggled.<sup>49</sup>

**Mr. Merritt**, whose remarks for want of time cannot be given, then proposed an amendment, placing the St. Lawrence in the first class of improvements to be carried out. —<sup>50</sup>

**Mr. Parke** — All paid their share in raising these various sums, and it was only fair that all should participate in the advantages. He would ask what could be more advantageous to the welfare of the country, than the improvement of our internal communications. It would really seem as if some Members wished to distress the agricultural population; the Hon. gentleman for Hastings (Mr. Baldwin) was always afraid of his own shadow: he put himself in the light, and saw his own shadow, and was frightened at it. For his part, his principle was to get all he could of solid realities in politics as well as in improvements; we had means sufficient and to spare, if we had energy and foresight to make use of them. It was ungenerous to give the whole of the improvements to one object, however valuable it might be; the plan now proposed would keep back Upper Canada five or six years for the purpose of ((a))liding the Americans.<sup>51</sup>

**Mr. Roblin** was not a little surprised to hear the Hon. Surveyor General. He was a farmer, and yet he would repudiate the idea of giving a preference to any particular District; his District never had asked for any thing, and did not want any thing; they had all they desired; the Surveyor General had given them a regular dressing. He said that all the produce of the country, from Sarnia, came through the Welland, and latterly through the St. Lawrence. —

(Yes, but what is the interior of the country to do without roads, asked some Member.) I understand, said Mr. Roblin, the want of roads — but we must begin somewhere, and it was as well we should begin with the St. Lawrence as any where else.<sup>52</sup>

**Mr. Hincks** entirely concurred with his hon'ble friend from Prince Edward (Mr. Roblin) that the scheme of public improvements submitted for the consideration of this Committee should be discussed with as little reference as possible to sectional interest. His hon. friend had referred to Lord Durham's Report, to His Lordship's condemnation of local jobbing, and the remedy suggested that all propositions for money grants to go on with improvements should emanate from the Crown. There was now before the Committee a most comprehensive scheme of public improvements recommended by the government on the responsibility of the chairman of the Board of Works. The object of establishing the Board of Works, which a very large majority of the House concurred in thinking absolutely necessary, was that our public improvements should be carried on under the supervision and on the responsibility of the head of that department. — He (Mr. Hincks) had a right to presume that the advantages of each of the great works recommended by government had been well weighed before the Message of His Excellency the Governor General had been sent down to this House. This message was now before us, and we were called on to decide whether we would assent to the recommendation of the Government. Before going further, he (Mr. Hincks) would observe that he entirely differed from the views of the hon. member for North Lincoln, (Mr. Merritt) who advocated borrowing money on the security of revenue to be derived from tolls on our unfinished public works. He (Mr. Hincks) would never consent that a single debenture should be issued unless "ways and means" should be provided at the same time to pay the interest. If the tolls should turn out as productive as the hon. member has anticipated, and he (Mr. Hincks) was not disposed to question the correctness of his calculations, then the consolidated revenue would be relieved from the charge, and we could either reduce our taxation, or go on with more improvements, but in the mean time let us take care to prevent the possibility of being placed in the condition in which the Union found the late Province of Upper Canada. Believing, then, that "ways and means" must be found to pay the interest of any new loan, he (Mr. Hincks) would have much preferred that the hon. Secretary should have put his scheme of improvements to the House, and have then made his proposition to raise the ways and means — but as the House seemed to prefer the other course, he (Mr. Hincks) must submit to their decision. At the same time he would express his entire concurrence with what had fallen from the hon. member for Middlesex (Mr. Parke), that there was no difficulty in finding sufficient ways and means, and he would take the present opportunity to suggest as one mode of obtaining revenue, to impose a tax of 2 per cent upon all bank issues. The Banks had contended most zealously for the privilege of issuing paper, and they certainly ought to pay for their monopoly (Hear, hear). This was no more than what they did in England, where Bank issues were taxed by means of stamp duties. Assuming, then, that "ways and means" can be found, if the scheme of improvements should be adopted, he (Mr. Hincks) would state as briefly as possible his views upon this subject. He certainly could not conceive, with his hon. and learned friend from Hastings (Mr. Baldwin), why all other improvements should give way to the St. Lawrence and Welland Canals. — Those great works ought certainly to be completed, and they were, perhaps, of the most essential importance, as a larger portion of the population would benefit by the reduction in the cost of transport; but he (Mr. Hincks) would never consent that all other improvements should be stopped until those works should be completed. As the representative of an agricultural population, he (Mr. H.) would contend that the internal communications should be improved, so as to enable our own farmers to get their produce to market at as little cost as possible. There were works of great importance recommended in the Message of His Excellency, every one of which had been already commenced, and ought to be completed. The main road from Hamilton westward was a work which he (Mr. H.) would never consent to have postponed, and even in the section of country with which his hon. and learned friend was more immediately connected, there were roads the completion of which it was most desirable to ensure; for instance, the proposed road between Toronto and Lake Haron (sic). He (Mr. H.) knew nothing of the proposed undertakings in the Eastern section of the Province, but he was bound to state that in his opinion all included in the scheme for the West were indispensably necessary. He would go further. He had to regret that in the resolutions no provision was made for those macadamized and planked roads commenced on the security of several districts in Upper Canada, for which appropriations had been made by the Legislature, on the faith of which those works had been commenced. He (Mr. Hincks) would explain to the Committee the absolute necessity that existed for including these works, and he could hardly entertain a



doubt that the hon. and learned Secretary would consent to his proposition. When the assistance of Parliament was extended to these works, provision was made that if the tolls should not be sufficient to meet the interest, a direct tax was to be levied on the inhabitants of the balance. This then was unexceptionable security. Now it was proposed in the resolution to commence a planked road between Brantford and London, while on the east side of Brantford there were 8 or 10 miles of very bad road, which it was impossible to complete without the aid of the Legislature. It would be absurd to have these 8 or 10 miles in their present state, and to commence the planked road at Brantford. The same observation would apply to Yonge Street, which required immediate completion to the Holland Landing, which was the point at which the new road to Lake Huron was to commence. He (Mr. H.) felt that every hon. member must see the necessity that existed of completing these lines of road, and he would therefore move an amendment to that effect when the proper time came. He would conclude by stating that although quite ready to join in a vote to secure (sic) the completion of the St. Lawrence and Welland Canals in a substantial manner, he would not consent to any appropriation whatever, unless those improvements which were for the benefit of the agricultural population living at a distance from the navigable waters were placed on the same footing with those great works.<sup>53</sup>

**Mr. Viger** contended that the St. Lawrence Canal should be first completed; that the Lower Canadians had been accused of refusing to assist in its completion, and now, when desirous of doing so, they were opposed.<sup>54</sup>

**Col. Prince** could not agree to the very modest proposal of spending all the funds upon the St. Lawrence, and leave the Far West in its present miserable state of destitution. The Rideau Canal was quite as good as we could afford to have it — we have a line of communication, and shall we make another which is not absolutely necessary — shall we do so at the expense of all our internal improvements — he would never consent to that. The learned and venerable Member (Mr. Viger) had, in a very plausible manner, pleaded for the St. Lawrence Canal — the Hon. gentleman shakes his head, but he shakes nothing out of it — so, Sir, I will never submit to have a sponge upon the plan of improving our communication from Sarnia to London, and from Sandwich to London and Goderich. What will the Hon. gentleman say when he is told that such is the impassable state of the roads in that country, that persons are compelled to carry their grain on their backs to be ground; that an old woman cannot carry her basket of eggs to market; and that a pretty girl is obliged, in going to the nearest Magistrate to get married, to walk for miles together up to her knees in mud — (*a laugh*) — would not these improvements (sic) enable us to complete the others, by the larger quantity of produce which good roads would enable us to bring to it; extended agriculture and improved internal communications, would increase the tolls and render the whole more prosperous. We might go on very well as we are, for some years to come, with the St. Lawrence and the Rideau, and he thought we ought to be very grateful to the Queen's Government for the munificent assistance they were disposed to afford us.<sup>55</sup>

**Mr. Cameron** said the allusions made by the hon. gentleman from Richelieu to that great and liberal man — De Witt Clinton were by no means at point, or if an argument could be drawn from them it would be in favor of internal improvements, the Erie Canal ran through the centre of the greatest agricultural districts of the State of New York — it was to open up the wild and remote parts of the State — to induce emigration and to forward the agricultural interest, and not as in the case of the St. Lawrence to obtain foreign trade, the improvement of the St. Lawrence was in the power of the Americans but they never thought of touching it. He (Mr. C.) would not from this or any other statement be misunderstood — even allow any one to suppose him opposed to the St. Lawrence; he was willing now that £50,000 to complete the work lying in an unfinished state between the Long Sault and Cornwall, be put the first item on the list — but he would not consent that the whole contemplated expenditure be put on the list at once, and so leave nothing for local improvement. The hon. gentleman from Richelieu, knows little of the geography of Canada when he took upon himself to state that the work benefited the whole country, how for instance did it benefit the Ottawa District and the Bathurst District; did the hon. gentleman not know that their only outlet was the Ottawa — and that the noble River was entirely neglected? — that the roads in these Districts were impassable (sic), and the scheme before the House was to deprive them of the very trifling amount proposed by government, he (Mr. C.) could never agree to the proposition. The hon. member had alluded to the United States, he (Mr. C.) could assure him the government of that Country did not leave internal and local improvements to the poor emi-



grant, — no, in many cases before a settler goes into a Township, in fact before a survey takes place, the government often laid out public highways — military and state roads — and so the settlers had free egress and ingress to the market towns and navigable waters — not so had it been with the poor settlers of Canada, they were let into the wilderness — but left to work themselves out the best way they could. The hon. gentleman seemed to know as little of the West as he did of the North — the highway from Hamilton to Lake Huron was the greatest thoroughfare for American travel that could be made in Canada; and would pay better than any other expenditure. He (Mr. C.) would say no more — but felt assured that the greatest good to the greatest number could only be produced by the adoption of the scheme as it stood, and leaving the Beauharnois Company to get the £500,000 for the St. Lawrence, as there was good reason to believe they would do.<sup>56</sup>

After a great deal of discussion, the House divided upon Mr. Merritt's amendment that £\_\_\_\_\_ be voted for the St. Lawrence Canal, out of the sums to be raised, which was carried by a majority of one, the numbers being 29 and 30. The Chairman, Dr. Gilchrist, would have voted against it, had there been an equality of votes in the House. A great clamour accompanied the declaration of the numbers, and probably a greater degree of excitement never existed on any question.<sup>57</sup>

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and after some time spent therein,

Progress reported.

Mr. Speaker resumed the chair,

And Mr. *Gilchrist* reported that the Committee had made some progress, and had directed him to move for leave to sit again.

*Ordered* — That the said Committee have leave to sit again to-morrow.

Orders of day postponed.

On Motion of Mr. *Christie*, seconded by Mr. *Parent*,

*Ordered* — That the Orders of the day that have not been disposed of, be postponed until to-morrow.

Then on motion of Mr. *Cartwright*, seconded by Mr. *Simpson*,  
The House adjourned.

Footnotes — 1 September 1841.

1. The debate on the Resolutions presented in this Committee was widely reported, but the debates on Resolutions 3 and 5 were quite confused. The debate is found in: *BRITISH COLONIST*, 8 September 1841; in the *KINGSTON CHRONICLE*, 4 September 1841, and the *MONTREAL GAZETTE*, 6 September 1841, in accounts which are identical except for the *CHRONICLE'S* omission of some of the speakers reported by the *GAZETTE*; in the *KINGSTON CHRONICLE*, 8 September 1841; *MONTREAL GAZETTE*, 8 September 1841, in which the order of speakers is somewhat confused; *EXAMINER*, 15 September 1841, which is identical to the *KINGSTON CHRONICLE*, 4 September 1841, and the *MONTREAL GAZETTE*, 6 September 1841, except for the omission of certain speakers; *EXAMINER*, 8 September 1841, also contains a commentary on the debate and reports one of Francis Hincks' speeches; *BRITISH COLONIST*, 8 September 1841; and *LE CANADIEN*, 6 September 1841, which contains only a commentary on the debate.

2. *MONTREAL GAZETTE*, 6 September 1841.

3. *IBID.*

4. *IBID.*

5. *IBID.*

6. *IBID.*

7. *IBID.*

8. *IBID.*

9. *IBID.*

10. *IBID.*

11. *IBID.*

12. *BRITISH COLONIST*, 8 September 1841.

13. *MONTREAL GAZETTE*, 6 September 1841.

14. *BRITISH COLONIST*, 8 September 1841.

15. *MONTREAL GAZETTE*, 6 September 1841.

16. *BRITISH COLONIST*, 8 September 1841.

17. *IBID.*

18. *IBID.*

19. *MONTREAL GAZETTE*, 6 September 1841.

20. *IBID.*

21. *BRITISH COLONIST*, 8 September 1841.

22. *MONTREAL GAZETTE*, 6 September 1841.

23. *BRITISH COLONIST*, 8 September 1841.

24. *IBID.*

25. MONTREAL GAZETTE, 6 September 1841.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. IBID.
37. IBID.
38. IBID. "A scene of indiscribable (sic) confusion followed — and the House continued in a perfect uproar for a long time, being wholly regardless of the calls by the Chairman for order...."
39. MONTREAL GAZETTE, 6 September 1841.
40. BRITISH COLONIST, 8 September 1841.
41. IBID.
42. MONTREAL GAZETTE, 8 September 1841.
43. BRITISH COLONIST, 8 September 1841: see also MONTREAL GAZETTE, 8 September 1841: "It was well known that the English salt was far preferable to the American, which was used in this country, and a considerable expense was incurred in repacking, etc."
44. MONTREAL GAZETTE, 8 September 1841.
45. BRITISH COLONIST, 8 September 1841.
46. MONTREAL GAZETTE, 8 September 1841.
47. IBID
48. IBID
49. IBID
50. BRITISH COLONIST, 8 September 1841.
51. MONTREAL GAZETTE, 8 September 1841.
52. IBID.
53. KINGSTON CHRONICLE, 8 September 1841.
54. MONTREAL GAZETTE, 8 September 1841.
55. IBID.
56. KINGSTON CHRONICLE, 8 September 1841.
57. MONTREAL GAZETTE, 8 September 1841.

## Thursday, 2 September 1841.

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*Petitions brought up.*

The following Petitions were severally brought up and laid on the table :

Rev. D. Allan and others.

By Mr. *Dunlop* — The Petition of the Reverend *Daniel Allan*, and others, inhabitants of *Stratford* and vicinity.

F. Nadeau.

By Mr. *De Salaberry* — The Petition of *Françoise Nadeau*, widow of the late *Joseph Trudeau*, of the Parish of *St Cyprien* ; — and the Petition of *François Dénicourt*, of the Parish of *Ste. Marie*, Farmer.

F. Deniscourt.  
P. E. Taschereau  
and others.

By Mr. *Taschereau* — The Petition of *P. E. Tachereau*, and others, Inhabitants of the District of *Chaudière*.

H. Smith.

By Mr. *Prince* — The Petition of *Henry Smith*, superintendent of the Provincial Penitentiary.

N. Starke and others.

By Mr. *Cameron* — The Petition of *N. Starke*, and others, Inhabitants of the Counties of *Carleton* and *Lanark*.

J. Cummings and others.

By Mr. *Merritt* — The Petition of *James Cummings*, and others, Inhabitants of the District of *Niagara*.

*Petitions read.*

Pursuant to the Order of the day the following Petitions were read :

Of M. McCarty.

Of *Michael McCarty*, stating that in consequence of the Union of the Provinces he has not been employed as a messenger in the Assembly of *Upper Canada*, as heretofore, and praying that he may be remunerated in consequence.

Of A. Todd and  
T. Patrick.

Of *Alfred Todd* and *Thaddeus Patrick*, Clerks in the Office of the Clerk of the Legislative Assembly, praying that the House will make up their salaries for the past year to £200.

Of A. Malcomson  
and others.

Of *Alexander Malcomson*, and others, inhabitants of the rear of the augmentation of the township of *Grenville*, praying that a law may be passed for a general system of education throughout the Province.

Of T. B. Prentiss  
and others.

Of *Thomas B. Prentiss*, and others, inhabitants of the township of *Hull*, county of *Ottawa*, praying for an aid to construct Bridges across the *Gatineau River*.

Of B. Clark and  
others.

Of *Benjamin Clark*, and others, inhabitants of the town of *Cobourg*, praying that the Petitions of such Banks as ask for an extension of their capital may be favourably entertained.

Of P. S. Foster and  
others.

Of *P. S. Foster*, Esq., and others, residing in *Stukely*, *Bolton*, and other places praying for an aid of £75 to pay a teacher.

Petition of A. Todd  
& T. Patrick referred  
to Com. on Contingencies.

*Ordered* — That the Petition of *Alfred Todd* and *Thaddeus Patrick*, Clerks in the Office of the Clerk of the Legislative Assembly, be referred to the Special Committee on the contingent accounts and expenses of the present Session.

Petition of M. McCarty referred to same Committee.

*Ordered* — That the Petition of *Michael M'Carty* be referred to the said Committee.

District Court Bill taken into consideration with proposed Ryders.

According to order, the House took into further consideration the engrossed Bill to alter and amend the laws now in force in that part of this Province, formerly *Upper Canada*, regulating the District Courts, and Ryders offered.

The engrossed clause, marked (B), offered by Mr. *J. S. Macdonald*,



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Ryder B. read thrice.

being thrice read, and the question being put thereon, a division ensued, and the names being called for, they were taken down as followeth : —

## YEAS.

<i>Aylwin,</i>	<i>Crane,</i>	<i>McDonald, (Glen.)</i>	<i>Smith, (Went.)</i>
<i>Buchanan,</i>	<i>Durand,</i>	<i>Merritt,</i>	<i>Sherwood,</i>
<i>Cameron,</i>	<i>Gilchrist,</i>	<i>Powell,</i>	<i>Taché,</i>
<i>Christie,</i>	<i>Hopkins,</i>	<i>Price,</i>	<i>Thorburn. — 19.</i>
<i>Cook,</i>	<i>MacNab, Sir A.N.</i>	<i>Roblin,</i>	

## NOES.

<i>Baldwin,</i>	<i>Draper, Hon. W.H.</i>	<i>Morris,</i>	<i>Robertson,</i>
<i>Burnet,</i>	<i>Dunlop,</i>	<i>Neilson,</i>	<i>Steele,</i>
<i>Child,</i>	<i>Dunscomb,</i>	<i>Parke,</i>	<i>Viger, Hon. D.B.</i>
<i>Derbshire,</i>	<i>Foster,</i>	<i>Prince,</i>	<i>Watts. — 18.</i>
<i>De Salaberry,</i>	<i>Holmes,</i>		

Ryder carried.

Motion that Bill  
do pass.

So it was carried in the Affirmative.

Mr. Attorney General *Draper* moved, seconded by Sir *Allan MacNab*,

That the Bill do pass.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth : —

## YEAS.

<i>Aylwin,</i>	<i>Draper, Hon. W.H.</i>	<i>McNab, Sir A.N.</i>	<i>Robertson,</i>
<i>Baldwin,</i>	<i>Dunscomb,</i>	<i>McDonald, (Pres.)</i>	<i>Roblin,</i>
<i>Burnet,</i>	<i>Dunlop,</i>	<i>McDonald, (Glen.)</i>	<i>Sherwood,</i>
<i>Cameron,</i>	<i>Foster,</i>	<i>Moffatt, Hon. G.</i>	<i>Steele,</i>
<i>Child,</i>	<i>Gilchrist,</i>	<i>Morris,</i>	<i>Taché,</i>
<i>Christie,</i>	<i>Holmes,</i>	<i>Parke,</i>	<i>Taschereau,</i>
<i>Crane,</i>	<i>Hopkins,</i>	<i>Powel,</i>	<i>Viger, Hon. D.B.</i>
<i>Derbshire,</i>	<i>Johnston,</i>	<i>Price,</i>	<i>Watts. — 33.</i>
<i>De Salaberry,</i>			

## NOES.

<i>Buchanan,</i>	<i>Durand,</i>	<i>Neilson,</i>	<i>Thorburn. — 6.</i>
<i>Cook,</i>	<i>Merritt,</i>		

Carried.

So it was carried in the Affirmative, and —

*Resolved* — Accordingly.

*Ordered* — That Mr. Attorney General *Draper*, do carry the said Bill to the Legislative Council, and desire their concurrence.

Bill to allow G. Durand to construct a canal, passed.

An engrossed Bill to empower *George Durand*, Esq., to construct a Canal for Mill purposes, in the Township of *Sarnia*, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Cameron* do carry the said Bill to the Legislative Council, and desire their concurrence.

Criminal Justices  
administration Bill,  
passed.

An engrossed Bill for improving the administration of Criminal Justice in this Province, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Black* do carry the said Bill to the Legislative Council, and desire their concurrence.

An engrossed Bill for consolidating and amending the Laws in this Province relative to Larceny, and other offences connected therewith, was read for the third time.

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Larceny Bill passed.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Black* do carry the said Bill to the Legislative Council and desire their concurrence.

Bill respecting malicious injuries to property passed.

An engrossed Bill for consolidating and amending the Laws in this Province relative to malicious injuries to property, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Black* do carry the said Bill to the Legislative Council and desire their concurrence.

Bill respecting offences against the person, passed.

An engrossed Bill for consolidating and amending the Laws in this Province relative to offences against the person, was read for the third time.

*Resolved* — That the Bill do pass, and that the title be, "*An Act for consolidating and amending the Statutes in this Province, relative to offences against the person.*"

*Ordered* — That Mr. *Black* do carry the said Bill to the Legislative Council, and desire their concurrence.

Amendments to Gaspé Fisheries Bill to be considered to-morrow.

On motion of Mr. *Christie*, seconded by the Honourable Mr. *Viger*, *Ordered* — That the amendments made by the Legislative Council to the Bill, intituled "*An Act to regulate the fisheries in the District of Gaspé*," be taken into consideration to-morrow.

House to adjourn every day at 5, for two hours, except Saturdays.

The Honourable Mr. *Moffatt* moved, seconded by Mr. *Black*,

That from this day inclusive, until the end of the Session (Saturdays excepted, on which day there shall be no evening sitting,) the Speaker do, without a question, adjourn the House at 6 o'clock, P. M., to meet again at 7 o'clock.

The question having been put upon the said motion, a division ensued, and it passed in the Affirmative.

*Resolved* — Accordingly.

Order for House in Committee on 2nd Report on Clerk's Office revived, and ordered for Saturday.

On motion of Sir *Allan MacNab*, seconded by Mr. *Sherwood*,

*Ordered* — That the Order of the day for the House in Committee on the second report of the Special Committee appointed to enquire what assistance it will be necessary to afford to the Clerk, and what offices and departments it will be expedient to establish for the effective and orderly conduct of the business of this House, lost by the adjournment of the House of *Friday* the 13th of *August* last, be revived, and that this House will, on *Saturday* next, resolve itself into the said Committee, and that it be then the second order of the day.

Committee on election for 2nd Riding York have further leave to adjourn.

On motion of Mr. *Roblin*, seconded by Mr. *Aylwin*,

*Ordered* — That the Committee appointed to try the merits of the Petition of divers Electors of the 2nd Riding of the County of *York*, and of *Connell James Baldwin*, Esq., complaining of the undue election and return of *George Duggan*, Esq., the sitting member for the said 2nd Riding of the County of *York*, have leave to adjourn until *Tuesday*, the 7th inst.

Motion to print the Journals daily.

Mr. *Derbshire* moved, seconded by Mr. *Prince*,

That the votes and proceedings of the House be printed daily, and, together with the orders of the day, also printed, be delivered at the residence of each member, every morning.

Motion lost.

The question having been put on the said motion, a division ensued, and it passed in the Negative.

Bill to pay claims for losses arising from Rebellion in L. C. read 2nd time.

A Bill to ascertain and provide for the payment of all just claims arising in that part of the Province formerly called *Lower Canada*, out

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of the late rebellions and invasions in that portion of this Province, was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Tuesday* next.

Order for 2nd reading  
Montreal Bank charter extension Bill postponed till to-morrow.

The Order of the day for the second reading of the Bill to extend the Charter of the Bank of *Montreal*, and to increase its capital Stock, being read,

*Ordered* — That the said Order of the day be postponed until to-morrow.

Gore Bank stock increase Bill read 2nd time.

A Bill to amend the Charter, and increase the Capital Stock of the *Gore* Bank, was, according to Order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Saturday* next.

Bill to extend operation of Penitentiary read 2nd time.

A Bill to render the Penitentiary near *Kingston*, in the *Midland* District, the Provincial Penitentiary for *Canada*, was, according to Order, read a second time.

Bill to be engrossed.

*Ordered* — That the said Bill be engrossed.

Leave of absence to Mr. Berthelot.

*Ordered* — That Mr. *Berthelot* have leave to absent himself from this House until the 15th instant, on account of ill health.

On motion of the Honourable Mr. *Harrison*, seconded by Mr. Solicitor General *Day*,

Amendments of Leg. Council to Public Lands sale Bill considered.

*Ordered* — That the amendments made by the Legislative Council to the Bill intituled "*An Act for the disposal of Public Lands*," be now taken into consideration.

The House proceeded, accordingly, to take the said amendments into consideration.

Amendments.

And the said amendments were read, and are as followeth : —

Press 3, Line 10 — After the 16th Clause, insert Clause A.

#### CLAUSE A.

"And be it enacted, that it shall not be lawful for any District Agent, appointed under the authority of this Act, directly or indirectly to purchase any land which such District Agent shall be appointed to sell, as aforesaid; and if such District Agent shall offend in the premises, he shall forfeit his said office."

Press 6, Last Line — After "Assignees," insert the following proviso : "Provided always, that in case the subscribing witness or witnesses to any such assignment shall be deceased, or shall have left the Province, it shall and may be lawful for the said Commissioner to register any such assignment, upon the production of an affidavit or affidavits, proving the death or absence of such witness or witnesses, and proving also the hand-writing of such witness or witnesses."

Same Press — After 39th Clause, insert the following Clause, B. : —

#### CLAUSE B.

"And be it enacted, that any person or persons wilfully swearing falsely to the execution of any such assignment, or to the hand writing, or to the death or absence of any such witness or witnesses, shall be liable to the pains and penalties of wilful and corrupt perjury."

Amendments agreed to.

And the said amendments being again read, they were agreed to by the House.

*Ordered* — That the Honourable Mr. *Harrison* do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath agreed to their amendments.

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House in Committee on Message on Public Improvements.

The Order of the day for the House in Committee to take into consideration the Message of His Excellency the Governor General, relative to Public Improvements, together with the documents accompanying the same, and other references, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Durand* took the chair of the Committee.<sup>1</sup>



**Mr. Secretary Harrison** again rose, and said it had now become his duty to propose that the blank in the amendment by Mr. Merritt, carried the evening before, should be filled up, and he should take the liberty of moving that it be filled up with the sum of £59,170, being the sum necessary for completing the Canal as far as Cornwall. It must be considered that the estimated sum to complete that navigation would require a sum of £750,000 more than any provision was made. It had been said that the revenue might be increased by the tolls — he did not think the tolls were exactly a fit subject to pledge in the shape of revenue; it would be many years before the tolls would be receivable; then there was the expense of management, besides which, sure calculation must be made as to the ultimate liquidation of those large sums. He regretted that a majority of that House had thought it right to oppose the scheme recommended to them by Government, in the establishment of a Bank of Issue; but as they had done so, some other source of revenue must be found. He should, however, have great pleasure in going with the House, in adopting any source they may recommend, and he would, therefore, move, that the blank be filled up with £59,170.<sup>2</sup>

**Mr. Merritt** said, Hon. Members did not understand the position; he had at first filled up the blank with £500,000, but ran his pen through it, intending to make it a separate motion. He denied that it was his intention to exclude all other public works; nothing was farther from his intention; he wished them all to go on, and we had plenty of means open to us; he only asked for £500,000, to go on with the St. Lawrence, and nobody denies, except, indeed, the Member for Lanark, that a saving of freight to the country would be made of three-fourths of the present cost of up freight, and one-half of that down — this was no theoretical speculation — it was practically true, and could be made fully apparent. The Erie Canal had been conducted on credit, and now pays £100,000 per annum to the Civil Government; no taxes have been raised, but the tolls have repaid the outlay. He would pledge all the Canals to pay the interest of the sum necessary to complete this important work, and they would be fully competent to do so; it would be considered as good a security as could be offered, and any capitalist would gladly lend money upon it. He moved that the blank be filled up with £500,000.<sup>3</sup>

**Mr. Johnston** protested against the House being carried away by the wild schemes of the Member for Lincoln.<sup>4</sup>

**Mr. Watts** said he voted yesterday by mistake; he was decidedly in favour of all public improvements; and if he thought that the proceeding with the St. Lawrence would interfere with them, he would vote against it, but if funds could be obtained, he would vote for the St. Lawrence. He thought the tax proposed by the Member for Oxford (Mr. Hincks) on Banks, would drive capital out of the country, and he thought a tax on distilleries or spirits of wine, 6d. per gall. would be a productive tax. He also (sic) thought a large revenue might be obtained from an alteration in our inland customs. He certainly thought the St. Lawrence Canal ought to be one of our first works. In draining a field, a person always first made the main drain. He was always led to believe, that the necessary funds could be obtained from the North American Land Company, upon condition that the Canal was made on the south (sic) side of the river.<sup>5</sup>

**Captain Steele** in rising to oppose the amendment of the Hon. Member for Lincoln, (Mr. Merritt) did not intend to vote against the second Resolution — “That as soon as a loan of not less than £500,000 can be negotiated by the Government, at a reduced rate of interest, the improvements of the St. Lawrence should be completed,” — but he foresaw the Hon. Member’s amendment, by appropriating £950,000 to the Welland and St. Lawrence Canals, would exclude every other important work, particularly the great military and commercial communications to Sarnia and Penetanguishene, included in the second Resolution, involving the defence of the Province, opening to thousands in the back townships markets, and encouraging emigration. The staple commodities of the Province are agricultural produce and lumber; to protect and encourage them was the first duty of the House of Assembly, and he maintained that the back Townships, whose interests were represented by a minority, should have their share of the revenues of the Province. The front has always been the favoured object of legislation, and the constituency of that portion of the Province has no reason to complain. What avails these contemplated (sic) improvements, of doubtful utility, if the backwoodsman be debarred all access to the great lakes and rivers in his front. Already that magnificent gift of the Mother Country, the Rideau Canal, (and there is every evidence to prove it) is adequate to the commercial interests of the Province. The great roads intersecting the country will, when completed, be intersected by other (District) roads,

calculated to effect an entire change in the face of the country, by inviting capitalists to settle on farms. The English farmer cannot clear wild land, but he will find every inducement to purchase cleared land. He (Capt. S.) repeated, that without these works, the object of the Governor General to combine settlement and public works, and to attract emigration, will be defeated, and emigrants turned away from the country. In a military point of view, he (Capt. S.) maintained that these roads are necessary for defence. He requested Hon. Members to look at the map, and tell him, if, in one month after a declaration of war by the States, armed steamers from Buffalo would not command the waters of the Huron, and effect a landing in Nottawasaga Bay, within three days march of Toronto.<sup>6</sup>

**Mr. Neilson** said the Hon. Secretary only meant it as a joke to propose so small a sum as he had named; a vote had been given in that House the evening before, and no matter whether carried by a majority of one, two, or three, it had the sanction of the House and ought to be respected; the blank ought to be filled up with £500,000, and the decision of the House, of last night, carried out in good faith; he would always submit to a majority, let it be what it might — he said that the country was a manufacturer of food, and any thing which tends to enable us to supply food cheap, benefitted the country. Our predecessors were generally forced to kill wild animals for their support, we raise, food for ourselves and for the supply of others also. The question was, what was the greatest benefit to the greatest number — and he did not choose that what had been done last night should be frustrated today. The Act of Union designed that we should become a united people, but it seems we are not to act together; his object was to improve the great communication, and give the natural advantages to Lower Canada, to which she was entitled. The Union Act (he was understood to say) was based upon our being enabled by this means to send our produce into Europe, where a remunerating price could be obtained for it.<sup>8</sup>

**Dr. Dunlop** was of opinion that our ideas were too munificent for our means. If, said he, the iron, tin, copper, and lead of Great Britain, together with her merchandize on the vast scale which in relation to them capital is embarked, can find a transit by means of canals which the member for North Lincoln would call mere ditches, what right have we to incur the enormous expense of such works as the St. Lawrence Canal. The great saving that it was estimated would be derived from the reduction of transit charges, he disagreed with; we had already the Rideau Canal, a most efficient public work, and were we now to be called upon to cramp our energies and at an enormous expense cut another canal parallel to it.<sup>9</sup> The £59,170 now proposed by the Secretary, was the estimated expense of completing the Canal to Cornwall.<sup>10</sup>

**Mr. Boswell** said, the House seemed divided into two parties, of about equal numbers; some were for expending all the revenue on our great high-ways, whilst others were desirous that our internal improvements should go on at the same time. He was astonished at the illiberality of the Members for Hastings and Quebec, there was a narrow mindedness in it that could not be expected — who will deny that however desirable it may be to have a great high way to the ocean, it was not equally desirable, at least, that our farmers should be able to get at this great high-way. He believed the Welland Canal to have been highly important to the country, nor would he deny that the St. Lawrence might also be; but when he recollected that nearly half a million had already been expended on the Welland at least £491,000, and that now it was proposed to add to that sum £450,000, together above a million — and when he recollected that £450,000 had already been expended on the St. Lawrence, and that now £500,000, together nearly another million, and on both works two millions, he did feel that there was a disposition on the part of the Member for Lincoln, (Mr. Merritt) and his friends to monopolize, which he could not admire or approve. No doubt, in the course of time, the St. Lawrence will make a return for the sum expended, but so would other works. He (Mr. Boswell) thought he had greater reason to complain, on account of his District, than any other Member. £50,000 only had been proposed, when the Legislature had by its own Acts granted sums amounting to 5 or £600,000; many of these works were begun, and were now standing still for want of assistance.<sup>11</sup> With regard to the Trent he was understood to say that upwards of £70,000 had been granted, but never expended on it.<sup>12</sup> He, however, was disposed to assist in carrying out the plan of Government, by which all responsibility would rest on them, whereas, as matters were now going on, the House was taking upon itself the responsibility and relieving the Government of it altogether.<sup>13</sup>

**Mr. Simpson** said there had been great jobbing in the former expenditure (sic); if the Lachine Canal was improved, the navigation would be equal to the wants of the country for



the next hundred years to come.<sup>14</sup> ((He)) said, that if the St. Lawrence was carried out independent of other improvements, it would resemble a work completed at one end and obstructed at the other. He was of opinion that the Rideau alone was sufficient to answer our present exigencies, without incurring the enormous outlay of the St. Lawrence.<sup>15</sup>

**Mr. Thompson** said, that the Americans had on Lake Erie three hundred steamboats, whilst we had only two; in case of war, therefore, we could not, of course, compete with them. Now, he wished to propose to the House to make a plank road from Hamilton to Port Dover, it would not cost more than £30,000, and he would, with permission of the House, read a letter he had just received....<sup>16</sup>

No, no, from all parts of the House....<sup>17</sup>

He ((**Mr. Thompson**)) however, persisted....<sup>18</sup>

The Chairman, **Mr. Durand** called ((**Mr. Thompson**)) to order....<sup>19</sup>

((**Mr. Thompson**)) Well, if he must not read, he would tell its contents, it was, as we understood in the noise which prevailed, intended to show the extent of the traffic upon the road he was advocating. **Mr. Thompson** said his road would produce £2,000 a year from the tolls. He objected to the proposed tax on Banks, and recommended that on American produce instead.<sup>20</sup>

**Mr. Hincks** said, there did appear to him to be some misapprehension on the minds of some Hon. Members, there appeared but little real difference amongst Members — and they were, as it appeared to him, splitting straws; this was, perhaps, not the proper time to discuss the question, but there was, no doubt, a mode by which the objects of both parties may be carried out. He regretted that the failure of the Bank of Issue had occurred, because it created a loss of revenue, which must be supplied from some other source, and it was very satisfactory to know that there were plenty of others which could be made available, and he was glad to hear from Hon. Members who differed from him, that they will support Ministers in accomplishing it. — <sup>21</sup>

Yes, yes, yes! from several Members.<sup>22</sup>

((**Mr. Hincks** continued:)) We had to raise ways and means upon which there must be no contingency, no misunderstanding, and it would be perfectly easy for Members to do so, so as to go on with further improvement.<sup>23</sup>

**Mr. Harrison** said, the matter was a very simple one, a mere question of figures; we must find a revenue to pay the interest of the money required, or we endanger the whole scheme; it was quite clear that if the larger sum should be carried, other sources of revenue must be raised, or the internal improvements must be abandoned, and he thought the House would agree with him that this ought to to (sic) be, — (No, no.) We had no authority to go into the the (sic) market, but so far as the million and a half was concerned, so far we may safely go.<sup>24</sup>

**Mr. Aylwin** put a question to **Mr. Harrison**, but from the noise and impatience of the House, we could not catch it.<sup>25</sup>

**Mr. Merritt** said, Members must vote for the larger sum, unless they wished to lose the great object, and it was with great satisfaction that he had heard the Hon. Members for Richelieu and Quebec support the completion of the St. Lawrence Canal. The Lower Canadians had been blamed for standing in the way of its completion, and they now came forward and repudiated that charge....<sup>26</sup>

Hear, from **Mr. Viger**....<sup>27</sup>

((**Mr. Merritt**)) They were now met by the answer yes; but now we want some other thing — some road, a Port Dover road, or a London road, or some other road, all of a local character. Now, these Hon. gentlemen came forward on more general and enlarged grounds. All sorts of objections and difficulties are started, but it is because gentlemen do not understand the object, or they would not vote against it; vessels will pass without unloading and it will be of immense advantage. It is remarked that England has only small canals, why there will be more produce, and a greater extent of country to be supplied through the St. Lawrence, than all the canals in that country.<sup>28</sup>



**Mr. Johnston** said that only one half of the money granted for roads and bridges by the last Parliament, had yet been raised and expended.<sup>29</sup>

**Mr. Parke** said that the expenditure had been nearer £1,200,000 than any thing else on these Canals, and as now £900,000 more would be added, it would exclude and cut off all our internal improvements, and would, however it might serve the American farmer, do the greatest possible injury to the farmer of our country, and as he was not disposed to sacrifice our interests to that of foreigners, he was willing to vote the sum now proposed by the Hon. Secretary, and then the party demanding it would have the larger half of the money to be expended. The Member for Lincoln had voted against the Bank of Issue, by which revenues were to be obtained, and now still demands the amount. In the interior of the London District, an improvement of the road would add 8d to 10d per bushel to the profit of the farmer. That important class of men are already sinking into despair, and the Member for Lincoln would give them ample cause for it.<sup>30</sup>

**Mr. Holmes** said if the Secretary adhered to the smaller sum, he would vote for the amendment; but he thought it might be raised off the collection of our Custom duties, which he believed to be a mere nullity. A Comptroller should be appointed who should narrowly examine into the collection of all duties, and not allow (sic), as was now the case, that persons paid just so much duty as suited their own convenience, or their own fancy. He believed 1d per gallon on whiskey would yield an addition of £10,000 to our revenue. This, with the auction duty, and a moderate duty on Bank stock — for he would not deny that such a tax was a fair subject of revenue — would produce more than the sum required.<sup>31</sup>

**Sir Allan MacNab** said he believed we could raise a sufficient revenue to do all the works now contemplated, and he hoped measures would be taken for that purpose, and that the Hon. Secretary would withdraw his motion. (No, no.) He was as desirous as any one that the Canal should be completed; but he never would consent to see that done to the exclusion of all other works. He hoped we should raise all the revenue required, for it would be now or never.<sup>32</sup>

**Mr. Harrison's** original motion was then put, and lost by a majority of one.<sup>33</sup>

**Sir Allan MacNab** then proposed that the sum be £100,000.<sup>34</sup>

**Mr. Buchanan**, who came to the House after the last vote was taken, then proposed that the sum of £315,700 be voted, which was carried, after a great deal of confusion, by a majority of one. This amount is the sum estimated by the Board of Works as required to complete the improvements of the St. Lawrence from the Longue Sault to Lachine.<sup>35</sup>

**Mr. Hincks** then gave notice of his intention to propose a tax on Bank issues of two per cent, and contended that that sum would not be equal to the stamp duty paid by the English bankers.<sup>36</sup>

**Mr. Harrison** said there was no objection to follow up the wishes of the House.<sup>37</sup>

**Mr. Baldwin** said that he thought we ought to stop where we were, and not to vote any more taxes.<sup>38</sup>

A great sensation was produced in the House by this declaration of Mr. Baldwin; when some Members called out, that now he had got all his party wished, he was about to skulk.<sup>39</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair,

Progress reported.

And Mr. *Durand* reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

*Ordered* — That the said Committee have leave to sit again to-morrow, and that it be then the first Order of the day.

At 5 o'clock, Mr. Speaker declared the House adjourned until 7 o'clock, P. M.

House in Committee  
on Beef and Pork  
inspection Bill.

7 o'clock, P. M.

The Order of the day for the House in Committee on the Bill to regulate the inspection of beef and pork, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Morris* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Bill reported  
amended.

And Mr. *Morris* reported, that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

Order for House in  
Com. on taxing im-  
ported produce, post-  
poned till Saturday.

The Order of the day for the House in Committee to consider the expediency of imposing a duty on agricultural and other produce, and also on live stock, imported into this Country from the *United States of America*, being read,

*Ordered* — That the said Order of the day be postponed until *Saturday* next.

House in Com. on  
Usury, Law amend-  
ment Bill.

The Order of the day for the House in Committee on the Bill to exempt certain mercantile transactions from the operations of the Laws for the prevention of Usury, being read,

The House accordingly resolved itself into the said Committee.

Captain *Steele* took the chair of the Committee, and after some time spent therein,<sup>40</sup>

Mr. Speaker resumed the chair,

Progress reported.

And Captain *Steele* reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

*Ordered* — That the said Committee have leave to sit again to-morrow.

Remaining Orders of  
day postponed.

On motion of Mr. *Morris*, seconded by the Honourable Mr. *Moffatt*,  
*Ordered* — That the Orders of the day that have not been disposed of, be postponed until to-morrow, and that they be then the first Order of the day.

Then on motion of Mr. *Dunscomb*, seconded by Mr. *Morris*,  
The House adjourned.

#### Footnotes — 2 September 1841.

1. The reports of this debate may be found in: *BRITISH COLONIST*, 8 September 1841; *MONTREAL GAZETTE*, 8 September 1841; commentaries are to be found in: *MONTREAL GAZETTE*, 9 September 1841; *LE CANADIEN*, 6 September 1841; *EXAMINER*, 8 September 1841.

2. *MONTREAL GAZETTE*, 8 September 1841.

3. *IBID.*

4. *IBID.*

5. *IBID.*

6. *IBID.*

7. *IBID.*

8. *BRITISH COLONIST*, 8 September 1841.

9. *IBID.*

10. *MONTREAL GAZETTE*, 8 September 1841.

11. *IBID.*

12. *BRITISH COLONIST*, 8 September 1841.

13. *MONTREAL GAZETTE*, 8 September 1841.

14. *IBID.*

15. *BRITISH COLONIST*, 8 September 1841.

16. *MONTREAL GAZETTE*, 8 September 1841. The *BRITISH COLONIST*, 8 September 1841, commented on this speech: "The hon. member also attempted to read several letters from his constituents, shewing their anxiety that the general scheme should be carried out. The groans and obstructions however that he met with required no ordinary degree of perseverance to gain a hearing."

17. *IBID.*

18. *IBID.*

19. *IBID.*

20. *IBID.*

21. *MONTREAL GAZETTE*, 8 September 1841.

22. *IBID.*

23. *IBID.*

24. *IBID.*

25. *IBID.*

26. *IBID.*

27. *IBID.*

28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. IBID.

40. Commentaries on this debate are found in: LE CANADIEN, 6 September 1841; EXAMINER, 8 September 1841; BRITISH COLONIST, 8 September 1841, whose reporter noted: "When I left, the Usury Bill was in committee — Mr. Hincks in possession of the house."



## Friday, 3 September 1841.

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*Petitions brought up.*

The following Petitions were severally brought up, and laid on the table : —

W. Logie and others.  
W. Smart and others.

By Mr. *Morris* — The Petition of *William Logie*, and others, inhabitants of *Kingston* and its vicinity ; the Petition of *William Smart*, and others, inhabitants of the Town of *Brockville* ; and the Petition of *A. Gale*, and others, Trustees of the *Gore* District School.

A. Gale and others.  
J. Covernton and others.

By Mr. *Powell* — The Petition of *James Covernton*, and others, inhabitants of the District of *Talbot*.

J. Whitehead and others.

By Mr. *Hincks* — The Petition of *J. Whitehead*, and others, inhabitants of the County of *Oxford*.

*Petitions read.*

Pursuant to the Order of the day, the following Petitions were read : —

Of Ann Richardson.

Of *Ann Richardson*, of *Amherstburg*, *Western* District, stating that her late husband served the *British* Government for forty years in the capacities of Mate and Assistant Surgeons, Surgeon's Mate, and Surgeon ; and died in the service, leaving her unprovided for, with a large family ; and praying relief.

Of A. Morris and others.

Of *Alexander Morris*, and others, inhabitants of the Town of *Brockville*, *Johnston* District, praying that the House will, previous to their prorogation, take the Bankrupt Law into their serious consideration.

Of T. L. Crooke and others.

Of *Thomas L. Crooke*, and others, inhabitants of the County of *Kent*, praying that the Legislative Assembly may endeavour to obtain the admission of *Canadian* produce into the Ports of *Great Britain* free of duty.

Petition of Rev.  
H. Urquhart and others referred to Com. on Schools.

*Ordered* — That the Petition of the Reverend *Hugh Urquhart*, and Elders, of *St. John's* Church, *Cornwall*, presented to the House on the 25th of *August* last, be referred to the select Committee to which was referred the Bill to repeal certain Acts therein mentioned, and to make provision for the establishment and maintenance of common Schools throughout this Province, and other references.

Committee on Petition of L. Lyman report Bill to naturalize him.

Mr. *Johnston*, from the select Committee to which was referred the Petition of *Lewis Lyman*, of *Beauharnois*, Commissioner of the *North American* Colonial Association of *Ireland* ; with power to report by Bill or otherwise, presented to the House a Bill to secure to and confer upon *Lewis Lyman*, an inhabitant of this Province, the civil and political rights of a natural born *British* Subject ; which was received, and read for the first time.

*Ordered* — That the said Bill be read a second time to-morrow.

Committee on Boundary Commissioners Act of U. Canada report Bill as amended.

Mr. *Roblin*, from the Select Committee to which was referred the Bill to repeal an Act passed in the 5th Session of the Parliament of the late Province of *Upper Canada*, intituled "*An Act to alter and amend an Act passed during the third Session of the present Parliament, intituled 'An Act to authorize the establishment of Boards of Boundary Line Commissioners, within the several districts of this Province,' and to make further provisions therein,*" reported that the Committee had gone through the Bill and made several amendments thereto, which amendments were again read at the Clerk's table.

Bill referred to Com.  
of whole to-morrow.

*Ordered* — That the said Bill and report be referred to a Committee of the whole House, to-morrow.

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Committee on Petition  
of E. Parent present  
report.

Mr. Baldwin from the Select Committee to which was referred the Petition of E. Parent, Esq., presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

Report.

"The Committee to whom was referred the Petition of *Etienne Parent*, Law Clerk of the late House of Assembly of *Lower Canada*, have carefully examined the said Petition, and after having satisfied themselves of the correctness of the facts therein set forth, have come unanimously to the following conclusions :

That it is not just that the Petitioner should suffer from the difference which arose as to the mode of his appointment, particularly as the same was acknowledged in the Despatch from the Secretary of State, sent down to the House of Assembly by His Excellency the then Governor-in-Chief of the late Province of *Lower Canada*, as being a mere matter of form; and the more so as the claim on the part of the Executive Government in respect of the appointment, was not absolute in its terms, but amounted merely to raising the question, which remained to be subsequently settled between two high constituted authorities; and pending which, it would have been presumption in Mr. *Parent* to have taken upon himself to prejudge the matter by declining to perform the duties of the office.

That the said question, owing to the peculiar circumstances that have occurred in the late Province of *Lower Canada*, has never been settled, or even discussed, and it has now ceased, in the opinion of your Committee, to be a question which it would be expedient to re-open.

Mr. *Parent*, has since become a Representative of the People, and thereby assumed duties inconsistent with the appointment alluded to; but your Committee are of opinion that he ought, in justice, to be placed on the same footing with all the other Officers of the late House of Assembly of *Lower Canada*, up to the day on which he consented to be elected as a Member of your Honourable House.

Your Committee is also of opinion that Mr. *Parent*, having been deprived for several years of the remuneration to which he was entitled, as an Officer of the House of Assembly of the late Province of *Lower Canada*, and having performed the duties of his Office until the suspension of the Constitution of that Province, should receive a reasonable compensation for the loss he has suffered, from not having received that to which he is, in the opinion of your Committee, entitled, at the same time that the other Officers of the House were paid their respective claims."

Committee on Petition  
of S. Garnsey and  
others, report.

Mr. Powell, from the select Committee to which was referred the Petition of *Samuel Garnsey*, and others, inhabitants of the Township of *Bayham*, and other references, presented to the House the report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

Report.

"Your Committee have carefully considered the Petition of *John Toyne* and others, of the Township of *Oakland*, and are of opinion, that, from the peculiar position of that Township, it being situated at a remote distance from the District Town of the District of *Brock*, and within a much less distance from the District Town of the *Talbot* District, it would be conducive to the interests of its Inhabitants, if that Township were attached to the last named District; nevertheless, as it has appeared in evidence before your Committee, that a portion of the Inhabitants of that Township are averse to the change, your Committee are not prepared to recommend a compliance with the prayer of the Petition at present.

As regards the Petition of *Samuel Garnsey*, and others, of the Township of *Bayham*, your Committee are of opinion, that that Town-

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ship has strong claims to being attached to the County of *Norfolk*, for several reasons, amongst which may be enumerated.

1st. — Its proximity to the District Town of the *Talbot* District.

2nd. — The doubtful position in which that Township is placed as to what County, if any, it actually belongs.

3rd. — The very general anxiety manifested by the inhabitants of the Townships as appears, from various Petitions and letters, that the said Township should be attached to the County of *Norfolk*. —

Your Committee have also considered the Petition of *James Covernton*, and others, of the District of *Talbot*, and are of opinion that the very limited extent of the District, as set forth in that Petition, affords an additional reason for annexing to it the Township of *Bayham*,

Your Committee, therefore, recommend, that the Township of *Bayham* be annexed to the County of *Norfolk*, in the District of *Talbot*."

*Ordered* — That the said Report be referred to a Committee of the whole House on *Monday* next.

*Ordered* — That Mr. *Duggan* have further leave to absent himself from this House until the 10th Instant.

The Order of the day for taking into consideration the amendments made by the Legislative Council to the Bill entitled "*An Act to regulate the currency of this Province*," being read,

The House proceeded accordingly to take the said amendments into consideration.

And the said amendments were read, and are as followeth :

Press 3, Line 8. — Leave out "Three" and insert "four",

Press 4, Line 17. — After "Coined" insert "before the passing of this Act".

Press " Line 23 — After "Coined" insert "before the passing of this Act."

Press " Line 28 — After "Coined" insert "before the passing of this Act."

Press " Line 38 — After "Shillings" insert "and one penny."

Press " Line 39 — After "and" insert "the half dollar of any of the Nations, States, or Governments, and date, herein before mentioned, and of the proportionate weight, shall pass for two shillings, six pence, and a half penny, currency, each, and such "dollar or half dollar."

Press 4, Line 39 — After the word "Amount" leave out all the words to "any" in the 40th line, and insert "but the other".

Press 4, Line 41 — Leave out "when" and insert "and,"

Press " Line 42 — After "weights" insert "shall pass at the rates hereinafter mentioned, to wit ; the quarter for one shilling and three pence, currency, the eighth for seven pence and one half penny, currency, each."

Press 4, Line 44 — Leave out "five pounds" and insert "two pounds ten shillings".

Press 5, Line 20 — After "shillings" insert "and one penny."

Press 5, Line 20 — After "currency" leave out all the words to "rates," in the 27th line, and insert "which said *British* Crown, and all other divisions of the silver coin of the United Kingdom of *Great Britain* and *Ireland*, lawfully current therein, of proportionate weight, shall, for proportionate sums, pass current, and,"

Press 4 Line 28 — Leave out "five pounds" and insert "two pounds ten shillings."

Report referred to Com. of whole on Monday.

Leave of absence to Mr. Duggan.

House in Com. on Amendments of L. Council to Currency Bill.

Amendments.



1st. to 5th Amend-  
ments agreed to.

And the first to the fifth, inclusive of the said amendments being again severally read and the question of concurrence being separately put thereon, they were agreed to by the House.

6th & 7th agreed to.

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The sixth and seventh of the said amendments being again severally read, and the question of concurrence being separately put thereon, the House divided upon each, and they were carried in the affirmative.

Remaining Amend-  
ments agreed to.

The residue of the said amendments being again severally read, and the question of concurrence being separately put thereon, they were agreed to by the House.

*Ordered* — That Mr. *Holmes* do carry back the said Bill to the Legislative Council, and acquaint their Honors that this House hath agreed to their amendments.<sup>1</sup>

Mr. *Baldwin* moved to Resolve, seconded by the Honourable Mr. *Viger*,

Resolution proposed  
respecting the in-  
fluence of Parliament  
over the Executive  
Government.

That the most important, as well as the most undoubted, of the political rights of the people of this Province, is that of having a Provincial Parliament, for the protection of their liberties, for the exercise of a constitutional influence over the Executive Departments of their Government, and for Legislation upon all matters which do not, on the grounds of absolute necessity, constitutionally belong to the Jurisdiction of the Imperial Parliament, as the paramount authority of the Empire.<sup>2</sup>

Some explanation took place between Mr. ((Baldwin)) and Mr. *Secretary Harrison*, who stated that a series of resolutions had been prepared by himself and colleagues in which he Mr. Baldwin had concurred, and that he expected that these would have been proposed by that gentleman.<sup>3</sup>

Mr. *Baldwin* stated that he wished his own resolutions put on record, but as he considered those referred to by the learned member for Kingston substantially the same, he should not oppose them.<sup>4</sup>

The Hon. Mr. *Moffatt* thought it useless to take up the time of the House with this subject....<sup>5</sup>

Orders of day moved.

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The Honourable Mr. *Moffatt* moved, seconded by Mr. *Sherwood*, That the Orders of the day be now called.

Lost.

The question being put upon the said motion, a division ensued, and it passed in the Negative.

Motion to consider  
the Resolution  
to-morrow.

Sir *Allan MacNab* moved, seconded by Captain *Steele*,

That the said Resolution be taken into consideration in a Committee of the whole House to-morrow.

Lost.

The question being put upon the said motion, a division ensued, and it passed in the Negative.

Amendment to Reso-  
lution moved.

The Honourable Mr. *Harrison* then moved, in amendment to the main motion, seconded by Mr. *De Salaberry*,

That all the words after "That" in the said motion be struck out, and the following substituted: "the most important, as well as the most undoubted, of the political rights of the people of this Province, is that of having a Provincial Parliament, for the protection of their liberties, for the exercise of a constitutional influence over the Executive Departments of their Government, and for Legislation upon all matters of internal Government."

Amendment carried.

The question being put upon the motion, of amendment, it was agreed to unanimously.

Main motion as  
amended carried.

The question being then put upon the main motion as amended, was also agreed to, and —

*Resolved* accordingly.

Mr. *Baldwin* moved to Resolve, seconded by the Honourable Mr. *Viger*,

Resolution proposed declaring the Government or only responsible to Home Government.

That the head of the Provincial Executive Government of the Province being, within the limits of his Government, the Representative of the Sovereign, is not constitutionally responsible to any other than the Authorities of the Empire.

The Honourable Mr. *Harrison* moved, in amendment, seconded by Mr. *De Salaberry*,

Amendment moved.

That all the words after "That," in the said motion, be struck out, and the following substituted : "the head of the Executive Government of the Province being, within the limits of his Government, the Representative of the Sovereign, is responsible to the Imperial authority alone ; but that, nevertheless, the management of our local affairs can only be conducted by him, by and with the assistance, counsel and information, of subordinate Officers in the Province."

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Amendment carried.

The question being put upon the motion of amendment, it was agreed to unanimously.

Main motion as amended carried.

The question being then put upon the main motion, as amended, it was also agreed to, and —

*Resolved* accordingly.

Mr. *Baldwin* moved to Resolve, seconded by the Honourable Mr. *Viger*,

Resolution proposed declaring that the Governor must use the advice of subordinate officers.

That the Representative of the Sovereign, for the proper conduct and efficient disposal of the public business, is necessarily obliged to make use of the advice and assistance of Subordinate Officers, in the Administration of his Government.

Lost.

The question being put upon the said motion, it passed unanimously in the Negative.

Mr. *Baldwin* moved to Resolve, seconded by the Honourable Mr. *Viger*,

Resolution proposed declaring that the principal officers of Government should be possessed of the public confidence.

That in order to preserve that harmony between the different branches of the Provincial Parliament, which is essential to the happy conduct of public affairs, the principal of such Subordinate Officers, advisers of the Representatives of the Sovereign, and constituting, as such, the Provincial Administration under him, as the head of the Provincial Government, ought always to be men possessed of the public confidence, whose opinions and policy, harmonizing with those of the Representatives of the people, would afford a guarantee that the well understood wishes and interests of the people, which our Gracious Sovereign has declared shall be the rule of the Provincial Government, will at all times be faithfully represented to the head of that Government, and through him to the Sovereign, and Imperial Parliament.

Amendment moved.

The Honourable Mr. *Harrison* moved, in amendment, seconded by Mr. *De Salaberry*,

That all the words after "That," in the said motion, be struck out, and the following substituted : "in order to preserve, between the different branches of the Provincial Parliament, that harmony which is essential to the peace, welfare and good Government, of the Province, the chief Advisers of the Representative of the Sovereign, constituting a Provincial Administration under him, ought to be men possessed of the confidence of the representatives of the people, thus affording a guarantee that the well understood wishes and interests of the people, which our Gracious Sovereign has declared shall be the rule of the Provincial Government, will, on all occasions, be faithfully represented and advocated."

The question being put upon the motion of amendment, a division ensued, and the names being called for, they were taken down, as followeth : —

## YEAS.

<i>Aylwin,</i>	<i>De Salaberry,</i>	<i>McDonald, (Pres.)</i>	<i>Ruel,</i>
<i>Baldwin,</i>	<i>Draper, Hon. W.H.</i>	<i>Merritt,</i>	<i>Simpson,</i>
<i>Barthe,</i>	<i>Dunlop,</i>	<i>Moore,</i>	<i>Small,</i>
<i>Boswell,</i>	<i>Dunn, Hon. J. H.</i>	<i>Morin,</i>	<i>Smith, (Fron.)</i>
<i>Buchanan,</i>	<i>Dunscomb,</i>	<i>Morris,</i>	<i>Smith, (Went.)</i>
<i>Cameron,</i>	<i>Durand,</i>	<i>Neilson,</i>	<i>Steele,</i>
<i>Chesley,</i>	<i>Foster,</i>	<i>Parent,</i>	<i>Taché,</i>
<i>Child,</i>	<i>Gilchrist,</i>	<i>Parke,</i>	<i>Thompson,</i>
<i>Christie,</i>	<i>Harrison, Hon. S.B.</i>	<i>Powell,</i>	<i>Thorburn,</i>
<i>Cook,</i>	<i>Hincks,</i>	<i>Price,</i>	<i>Turcotte,</i>
<i>Crane,</i>	<i>Holmes,</i>	<i>Prince,</i>	<i>Viger, Hon. D.B.</i>
<i>Daly, Hon. D.</i>	<i>Hopkins,</i>	<i>Quesnel,</i>	<i>Williams,</i>
<i>Day, Hon. C.D.</i>	<i>Killaly, Hon. H.H.</i>	<i>Robertson,</i>	<i>Woods,</i>
<i>Derbshire,</i>	<i>Kimber,</i>	<i>Roblin,</i>	<i>Yule. — 56.</i>

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## NOES.

<i>Burnet,</i>	<i>MacNab, Sir A.N.</i>	<i>Moffatt, Hon. G.</i>	<i>Watts. — 7.</i>
<i>Cartwright,</i>	<i>McLean,</i>	<i>Sherwood,</i>	

Amendment carried.  
Main motion as amended carried.

So it was carried in the affirmative.

The question being then put upon the main motion, as amended, it was agreed to, and —

*Resolved* — Accordingly.

*Mr. Baldwin,* moved to Resolve, seconded by the Honourable *Mr. Viger,*

Resolution proposed, rendering advisers of the Government responsible for its acts.

That as it is practically always optional with such advisers, to continue in, or retire from, Office, at pleasure, this House has the constitutional right of holding such advisers politically responsible for every Act of the Provincial Government, of a local character, sanctioned by such Government, while such advisers continue in Office.

Amendment made.

The Honourable *Mr. Harrison* moved, in amendment, seconded by *Mr. De Salaberry,*

That all the words after "that," in the said motion, be struck out, and the following substituted "the People of this Province have, moreover, a right to expect from such Provincial administration, the exertion of their best endeavours that the Imperial authority, within its constitutional limits, shall be exercised in the manner most consistent with their well understood wishes and interests."

The question being put upon the motion of amendment, it was agreed to, unanimously.

Main motion as amended carried.

The question being then put upon the main motion, as amended, it was also agreed to, and —

*Resolved* — Accordingly.

*Mr. Baldwin,* moved to Resolve, seconded by the Honourable *Mr. Viger,*

Resolution proposed respecting exercise of powers of Imperial Government.

That for the like reason, this House has the constitutional right of holding such advisers, in like manner, responsible for using, while they continue in Office, their best exertions to procure from the Imperial authorities, the exercise of their right of dealing with such matters, affecting the interests of the Province, as constitutionally belong to those authorities, in the manner most consistent with the well understood wishes and interests of the People of this Province.<sup>6</sup>

Lost.

The question being put upon the said motion, it passed unanimously in the Negative.

*Mr. Baldwin* moved, seconded by *Mr. Aylwin,*

Motion to refer Report on Petition of *E. Parent* to Com. of whole.

That the Report of the select Committee to which was referred the Petition of *E. Parent*, Esquire, be referred to a Committee of the whole House to-morrow.

*Mr. Thorburn,* moved in amendment, seconded by Captain *Steele,*



Amendment made.

That all the words after "That," in the said motion be struck out, and the following substituted "the said report be referred to the Special Committee on the contingent accounts and expenses of the present Session."

Motion as amended, carried.

The question being put upon the motion of amendment, it was agreed to unanimously.

The question being then put upon the main motion, as amended, it was also agreed to, and —

*Ordered* — Accordingly.

Members added to Com. on contingencies.

*Ordered* — That Mr. *Aylwin*, and Mr. *Morin*, be added to the said Committee.

On motion of Mr. *Williams*, seconded by Mr. *Small*,

*Ordered* — That the Committee appointed to try the merits of the

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Leave to Committee on Niagara Election to adjourn till 8th inst.

Petition of *Robert Melville*, and *John McBride*, electors of the Town of *Niagara*, complaining of the undue election and return of *Edward Clarke Campbell*, Esquire, sitting Member for the said Town of *Niagara*, have leave to adjourn until the 8th instant, in consequence of the commission appointed to take evidence on the said contested election, not being returned, and the probability of its receipt on that day.

500 copies of proceedings on Responsible Government to be printed each in English & French.

Mr. *Durand* moved, seconded by Mr. *Price*,

That 500 copies, in each of the *French* and *English* languages, of the proceedings of this House on responsible Government, be printed, for the use of the Members of this House.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative.

*Ordered* — Accordingly.

Chairman of Com. of whole on Beef and Pork Inspection Bill report amendments to Bill.

Mr. *Morris*, from the Committee of the whole House on the Bill to regulate the Inspection of Beef and Pork, reported, according to Order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's Table, and agreed to by the House.

Bill to be engrossed.

*Ordered* — That the said Bill, as amended, be engrossed.

Order for 2nd reading Bill to increase stock of Montreal City Bank postponed.

The Order of the day for the second reading of the Bill to extend the charter of the City Bank of *Montreal* and to increase its Capital Stock, being read,

*Ordered* — That the said Order of the day be postponed until tomorrow.

Order for 2nd reading Quebec Bank Charter extension Bill postponed.

The Order of the day for the second reading of the Bill to extend the charter of the *Quebec* Bank, being read,

*Ordered* — That the said Order of the day be postponed until tomorrow.

Order for 2nd reading Bill to erect a new District in Kent, postponed.

The Order of the day for the second reading of the Bill for the erection of certain Townships in the County of *Kent*, into a separate District, being read,

*Ordered* — That the said Order of the day be postponed until Monday next.

Court of Impeachment Bill read 2nd time.

A Bill to establish a Court in this Province for the trial of Impeachments, was, according to Order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on Monday next.

Order for 2nd reading Seignorial Tenure commutation Bill postponed.

The Order of the day for the second reading of the Bill to provide for the voluntary commutation of the Seignorial Tenures in the Seignories of *Lower Canada*, being read,

*Ordered* — That the said Order of the day be postponed until Monday next.

Montreal Bank stock  
increase Bill read,  
2nd time.

A Bill to extend the charter of the Bank of *Montreal*, and to increase its capital stock, was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Wednesday* next.

Message from Leg.  
Council.

A message from the Legislative Council, by *John Godfrey Spragge*, Esq., Master in Chancery.

MR. SPEAKER,

Bill passed Legislative  
Council.

The Legislative Council have passed the following Bills, without any amendment :

Bill to amend Mon-  
treal roads ordinance.

*"An Act to amend the Ordinances of the Legislature of the late*

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*"Province of Lower Canada, providing for the improvement of the roads in the neighbourhood of the city of Montreal."*

Simcoe Loan Bill.

*"An Act to increase the sum which may be raised, under a certain Act therein mentioned, for defraying the costs of certain Public Buildings in the county of Simcoe."*

And also —

Bill for the adminis-  
tration of Justice in  
the Magdalen Islands  
sent down amended.

The Legislative Council have passed the Bill intituled *"An Act to provide temporarily for the administration of Justice in the Magdalen Islands, in the Gulf of St. Lawrence,"* with several amendments, to which they desire the concurrence of the Assembly.

And then he withdrew.

House in Com. on  
Message on Public  
Improvements.

The Order of the day for the House in Committee to take into consideration the Message of His Excellency, the Governor General, relative to Public Improvements, together with the documents accompanying the same, and other references, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Durand* took the chair of the Committee.<sup>7</sup>

Mr. Harrison said, on the subject of our Public Improvements, which was next on the order of the day, it would be necessary, under the plan which had been laid down, before proceeding further, to propose a substitute for the Bank of Issue, which the House had thought proper to reject. He should, therefore, in the first instance, submit to the consideration of the House a tax upon Bank issues, or to speak more correctly, upon Bank circulation. He would therefore propose to the House, as a substitute for a part of that revenue, a tax of 2 per cent upon the amount of the circulation of the Banks in the Province. It had been proposed to levy the tax upon Bank Capital, as being the more easily ascertained, but he thought it unwise and impolitic to tax capital in any shape — the want of capital being the greatest evil we have to encounter. This tax will be analogous to the stamp duty in England, and will be paid periodically. It is a principle which has been clearly recognized in the United States, and he believed would be found as little oppressive as any tax which could be levied.<sup>8</sup> It was a legitimate tax, which we were justified in having recourse to, in order to make up the deficiency of the revenue. He would move, therefore, "Resolved, that it is expedient that a tax of 2 per cent, be imposed on the average amount of the issues of all banking institutions in the Province."<sup>9</sup>

Mr. Cartwright said that it was a breach of faith, towards those who had embarked their capital, in the profits of banking, under the guarantee of charters granted by the government, and that we must be badly off indeed to be compelled to resort to such a revenue. That the Banks had been brought into existence, upon the contract which had been entered into with them; — that many had purchased stock at a premium of 15 and 16 per cent. who by this means would be robbed of their property.<sup>10</sup> He had noticed, what had fallen from his Hon. friend, the Member for Montreal, (Mr. Holmes) who had said that, under certain conditions, he would not oppose the proposed tax. It reminded him of an anecdote told of two Scotch Bishops, when His then Majesty asked one of them, whether he did not think it right that his brother Bishop should be taxed, replied, most certainly, — but when asked again, if he ought

not to be taxed as well as his brother Bishop, replied, that was a very different case. Now, brother Holmes wants a new Charter — the Commercial Bank has no such application to make, because their Charter has fifteen years to run before it expires. He stigmatized the taxation of the existing Banks as a public baeach (sic) of faith, whether it was for so large or so trifling an amount. It might be true that Bank Stock was a profitable investment — but the Charters of these Institutions had been sought by the Stockholders, and granted by the Legislature for a given number of years, and however just and politic it might be to tax future Charters, he could not contend that to tax those now in existence, was extremely unjust — and a measure to which he would never give his assent, if he stood alone in his opposition to it.<sup>11</sup>

**Mr. Price** thought this measure a very ingenious way of forcing the Bank of Issue into operation. He was connected with no bank, nor did he owe any bank a sixpence; he was not, therefore, in the power of any of them. He thought, too, that 2 per cent was far too high a tax. It would prevent capital being brought into the country, and induce the banks to close their business — for even if the profits of banking was (sic) now 8 per cent, to put on the proposed tax, would reduce the profits to 5 per cent, and no one would be induced to purchase bank stock. — (*A laugh.*)<sup>12</sup>

The hon. Secretary (**Mr. Harrison**) showed by various estimates of the capital, issues, and business of the various banks, that his proposition would not affect them generally to the amount of more than  $\frac{1}{2}$  per cent. throughout the Province.<sup>13</sup>

**Dr. Dunlop** in reply to Mr. Cartwright's observations, said Mr. Holmes had proposed taxing Distilleries to the amount of a penny per gallon on Whisky. Were that put into execution it would stop distillation throughout the Province, and we should have the whole of our Whiskey smuggled from the United States, as reckoning the price of it in Ohio it would be 8 per cent. Mr. Merritt said that taxing Banks would make the whole capital leave this country — and with his usual inconsistency read a passage which proved that the Banks of Massachusetts paid one per cent. for management, so that only six per cent. was left to the Shareholders. He called upon him to show why capital had not left taxed Massachusetts and flowed into the Banks of untaxed Canada. He had said much on taxing issues, as if circulating Bank Notes was the only profit Banks obtained; if that was the case the London Bankers in England who issued no Bank notes of their own, must be in a state of starvation. Lastly, he (Mr. M.) proposed that these taxes should be only temporary — until his grand Canals paid for themselves, if that were to be the case, he (Dr. D.) very much feared that the taxes would be permanent. Mr. Roblin had drawn a comparison between money invested in Banking and Farming securities — he showed £1000 in the former would yield at least £60 per annum, and in the latter could not be expected to yield more than £47 10s. 0d, yet he preferred the Farm as it remained forever, whereas a misfortune might ruin the Bank and leave it penniless. — (Dr. D.) would like to know where the Farmer would be, if his barn, stock, agricultural implements, and all that gave him the power of carrying on his business, were by an accident burned; he would have the land to be sure, but he would not be in a much more enviable situation than the Banker whose Bank had failed. Mr. Cartwright had said that taxing the Banks after giving them a Charter, was an absolute breach of faith in Government — he (Dr. D.) had received 1000 acres of land from Government for his services, long before land tax was dreamt of — he had purchased a farm since, when the land tax was only nominal, this House had since that period taxed land slightly — and by an Act of this Parliament had taxed it heavily, much more heavily indeed than Bank Stock, yet as it was for the advantage of the country at large, he objected not to a tax upon land, which did not yield him as much as a billet of firewood; while Bank Stock was yielding from 10 to 12 per cent., though he had as good a right to say that Government had broke faith with him in taxing land he had received for his services, or that he had afterwards purchased, as Mr. Cartwright had to say that they had done so to him in any other mode in which he chose to invest his capital. Mr. Price had gone into an elaborate argument to prove that as the profits on the Bank were only 8 per cent. a tax on its issues of 2 per cent. would reduce it to 5 (sic). Besides that, he (Dr. D.) could not see the arithmetical sequitar (sic) (*a laugh*) of this, the hon. gentleman had forgot the bonus, which generally amounted at least to 2 per cent.; and it may be remembered by many here that when the Bank of Upper Canada got their augmentation they issued as usual an 8 per cent. dividend and a 12 per cent. bonus — making in one year 20 per cent. Mr. Buchanan stated that this was only the Bank of Issue in another shape, that 8 per cent. which was what the Banks generally paid, was very moderate indeed. The Farmer —



pay him and his family the usual wages of the country, & give them at the end of the year their wages, and 8 per cent. on the value of their Stock and Farm, and implements of Agriculture, would think himself exceedingly well paid, and he (Dr. D.) was convinced that no farmer in Canada made so much. But he (Mr P.) had still gone into the error that 8 per cent. was all the Banker gained — the fact was public and notorious that 10 per cent. was the usual profit upon Banks. Acts of Government to incorporate Companies gave no pledge whatever that these Companies should not be taxed; an Act of Incorporation only gave to a number of individuals some portion of the power of doing as a body what every one of them had a right to do for himself, and no more implied an immunity from taxation than an immunity from decease. Dr. Dunlop thought it was a matter of moonshine, whether you put the tax upon the Capital or the Issues, people had been racking their brains for subjects of taxation — he thought productive matters were the most proper objects to be taxed. Steamboats engrossed a great part of the property of this Province, but they paid no revenue to Government; even common Tavern License, that every log shanty selling Whiskey did.<sup>14</sup>

**Mr. McLean** said, how would you like a tax upon Bachelors? <sup>15</sup>

((**Dr. Dunlop**)), admirably — luxury is always a legitimate object of taxation. The Chancellor of the Exchequer seemed to think he had enough, but in cutting our cloth according to our coat, he (Dr. D.) would always wish to have a little selvidge (sic) for overlapping and cabbage — however, if it was not necessary to tax them now, we might accord to the Steamboat proprietors that grace which Polyphemus accorded Ulysses (sic), that they should be the last to be devoured.<sup>16</sup>

**Mr. Cartwright** replied that if bank property was taxed, all property ought also to be taxed; he saw great difficulty, too, ascertaining what the issues were.<sup>17</sup>

**Mr. Morris** said if this tax was necessary, the Banks ought to be allowed to increase their capital.<sup>18</sup>

**Mr. Cameron** was much surprised at hearing the Member for Lenox (sic) and Addington object to the right of imposing a tax upon banks. He (Mr. Cartwright) (sic) had no objection to the imposition of a tax upon merchants' stores, and perhaps the House would be astonished to hear that the largest establishment in the Province paid a tax of only 16s 4d a year. A licence (sic) for selling liquor amounted, he believed, to £8; he thought an advance on the tax on Dry Good Stores, equally equitable with a tax on Banks.<sup>19</sup> Mr. Cameron affirmed that the average of Banking profits for some years past in Upper Canada had been together with bonuses about 12 per cent.<sup>20</sup>

**Mr. Morris** said he was surprised to hear the Member for Oxford assert that the stamps paid by English bankers, amounted to a sum equal to what the proposed tax of 1 per cent on the Bank circulation would be. The truth was, that they paid a commuted tax of 3s 6d (sic) per cent. only, and he thought that the Hon. Member ought to have made himself well acquainted with the facts of the case, before he made such statements. He (Mr. Morris) felt persuaded that the proposed tax would not only prevent capital from coming into the Province, but that it would also force it out of the Province. If any tax was imposed on Banks, it ought to be only a very light one, as it was a matter of primary importance to increase the capital of the country.<sup>21</sup> Mr. Morris then moved an amendment — Resolved "That in order to make up the deficiency in the revenue for public works  $\frac{1}{2}$  of 1 per cent. be imposed upon all paid up capital in banking institutions in the Province."<sup>22</sup>

**Mr. Hincks** said, it would not be thought surprising, that both Mr. Cartwright and Mr. Morris should oppose a tax upon Banks, connected as they both were with them. The latter gentleman stated that he (Mr. Hincks) was inaccurate in asserting that the English bankers paid a sum for stamps about equal to that which the proposed tax here would be. He had since found that a recent alteration had been made, by which banks in England had been allowed to commute the sum paid for stamps, and that it amounted to about what that gentleman (Mr. Morris) stated. The Hon. Member for Lenox (sic) and Addington admitted the principle of taxing Banks, but denied the right to tax the Commercial Bank, of which he is the President. There is little difference whether the capital is taxed or the circulation. Ways and means must be provided, and he was of opinion that taxing the circulation would be less objectionable than taxing the capital.<sup>23</sup> He was for one reason partly opposed to the resolution; — because it would prevent a Bank of Issue from being established, which he was decidedly in favor of, as a source of revenue, and securing a sound circulation.<sup>24</sup>

**Mr. Holmes** had stated yesterday that, as it was indispensable to raise a sum by taxation, Banking capital was a fair subject for taxation — but he thought the tax should be much lighter. All we wanted to do was to raise a sum of £20,000 per annum. Now he believed that the sum (£20,000) required, could readily be raised by a tax of 1d per gallon on whiskey, which he believed would pay a revenue of £6,000; one per cent on all goods sold by auctioneers would realize £6,000; and he had no doubt, by a supervision of our method of collecting the existing duties, £10,000 per annum would be added to our annual revenue, which would furnish the required amount. There was nothing more wanted than the supervision of a Comptroller, whose business it should be to examine all the books of the Collectors — their mode of collecting the duties — and not allow the present loose mode of doing so to continue, in which Collectors applied to merchants to know what their duty amounted to. The duties were, collected he believed, in a very nefarious manner. If a duty on bank issues was levied, he thought (sic) 10s (sic) per cent ample, and would produce a revenue of £20,000. He thought a tax on issues a tax on industry, and in that view of it, objectionable. The Hon. Member for Lenox (sic) and Addington (Mr. Cartwright) had said that he (Mr. H.) did not object to a Bank tax, because the Bank which he had the honour to represent was applying for a Charter. He could not see why because some of the Banks, from mere accidental causes, happened to have a few years of their Charters unexpired, should be exempt. The fact was, in consequence of the troubles in Lower Canada, it had been found impossible to get the Charter revived for a longer period than when the first Parliament should assemble; and it was under these circumstances, that he now applied for a Charter — which, if not granted, they would wind up their affairs — a circumstance which, he believed, would be considered as disastrous to the Province. The Upper Canada Banks had no claims greater than those of the Lower Province, and he believed he might, with confidence, say, that they had by their conduct merited the confidence of the public in an equal degree — (*Yes, yes.*) He (Mr. Holmes) would second the amendment to make the tax half per cent on the capital, in the full expectation that the prayer of the petition for the renewal of their Charter would be granted — and he also relied that several useless restrictions would be removed — such as limiting their issues — or taking out of circulation all notes under the amount of \$4. Government at home could not possibly understand the monetary affairs of a new country like this, and they ought not to interfere with them; how can they possibly be the judge whether our notes should be \$1 or \$4. He would like to know where the benefit to be derived was, in taking out of circulation the dollar notes, for the purpose of introducing silver dollars. Which was better, for a man to carry £100 of dollars in a bag on his back, or £100 in dollar notes in his pocket. It was (sic) well known that during the progress of the Rideau Canal, an escort of troops accompanied the casks of silver dollars necessary to pay the contractors, who, when they arrived, immediately carried them back by the same barge, for the purpose of getting notes from the Banks. Such an interference would be injurious to the community, and would withdraw large sums of money from circulation. The greatest safeguard the House could have, was to prevent Banks from issuing more than their paid up capital, in which case the public would never lose a fraction by them.<sup>25</sup> The hon. member said that in England, Bank Capital was taxed only 4/7 of 1 per cent; — reprobated the government for presuming to dictate how the banks should transact their business, and what notes they should issue, and proposed to amend the resolution by substituting a tax upon capital for issues.<sup>26</sup>

**Mr. Merritt** said there was no difficulty in raising ways and means without taxing Banking capital; he objected to that tax.<sup>27</sup> ((He)) expressed his freedom from any inducement to support the Banks, which had been carrying on their business at 18 per cent. for money. He was ((of)) opinion that whether capital or issues were taxed it would amount to the same thing — an income tax he thought would be the most proper one to lay on. He would however vote for the present resolution if it was modified — 2 per cent. tho' he said would drive all the capital out of the country.<sup>28</sup>

**Mr. Roblin** was for taxing the capital not the issues, an opposite course he regarded as a restraint upon industry. If any kind of property admitted of taxation he was inclined to think that Bank stock ought to be subject it among the first — he would say however that ½ or ¾ of 1 per cent. was an extent sufficient to carry it.<sup>29</sup>

**Mr. Simpson** said the tax should be upon the *issues* which was a privilege granted to the Banks — justifying the Parliament in demanding some portion of an equivalent for it.<sup>30</sup>

**Mr. Dunscomb** suggested an amendment, to limit the tax to ½ of 1 per cent.<sup>31</sup>

**Mr. Hincks** said that the amendment would raise only £11,000 out of the £20,000 required. His object to tax the issues was, that those who reaped the benefit of the privilege should pay for it, otherwise a bank which did *not* issue, if it was to be upon capital, would pay the same as one that did.<sup>32</sup>

**Mr. Buchanan** thought it could not be denied that the capital of Banks was subject to taxation as well as any other property — but he thought the amount should not exceed the Bank of Issue scheme. He had received on that subject a petition from the Board of Trade at Toronto, which he would take the liberty to read. —

*To the Honorable the Legislative Assembly of the Province of Canada, in Provincial Parliament assembled.*

MAY IT PLEASE YOUR HONORABLE ASSEMBLY, —

THE PETITION OF THE BOARD OF TRADE OF THE CITY OF TORONTO

Humbly Sheweth

That, your petitioners have beheld with serious apprehension and alarm, the projection of a scheme to establish a Provincial Bank, as set forth in a Bill now before Your Honorable Assembly, with the exclusive privilege of issuing Notes, and they deprecate this measure as being fraught with danger of the prominent interests of the Country.

That, in accordance with the general sense of the population, Your Petitioners express their perfect confidence in the Chartered Banks of this Province, and cannot approve of a restraint upon their operation so detrimental as is contemplated in the Bill to establish a Provincial Bank of Issue.

That the dividends paid to the Stockholders by the Banks here are, generally, at the rate of 8 *per cent. per annum* — which cannot be deemed an exorbitant profit, nor is it so much as is frequently paid by the Joint Stock Banking Institutions of England. Besides, this kind of investment is almost the only one yielding a sure return for Capital in the Country; and, should it be interfered with, a farther (sic) influx of Capital will not only be prevented, but, many of the present Stockholders, retiring under pressure and disposing of their Stock at a sacrifice, there must eventually be a dissolution of the Banks.

That Legislative interference with the Banks, as in the manner proposed, would be unjust towards the Stockholders, — who have invested their means on the faith of the security and privileges guaranteed to them by the Acts of Incorporation.

That it does not appear that increased facilities would be extended to the public by the proposed Bank of Issue, but, on the contrary, that, under its operations, the means of the Bank to accomodate the Mercantile and Agricultural Community, would be materially circumscribed.

That, in view of the powers proposed to be conferred on the Governor and the Bank Commissioners by this measure, Your Petitioners disapprove of it as a hazardous and uncalled for experiment, — most dangerous to the growing interest of the country.

That, the said Bank of Issue, if established, will be particularly injurious to Upper Canada — where the circulation of Bank Notes is far greater in proportion to the Capital than in Lower Canada.

That the chief object of the Institution, as it appears by the Message of His Excellency the Governor General to the Honorable the Commons House of Assembly, is to aid the Revenue — but, in the estimation of Your Petitioners, the projects for which that Revenue is required are, in themselves sufficient to inspire the Government and Parliament with the highest confidence, to resort to other and less objectionable means to raise it.

That, entertaining these views and apprehensions of a Provincial Bank of Issue, and acknowledging the increasing wants of the Country; Your Petitioners respectfully suggest an enlargement of the Capital of the present Chartered Banks, to the extent prayed for by them severally — and they farther (sic) pray, that, you will not sanction the Bill to establish a Provincial Bank of Issue; but, that, at least, you will defer passing it into an Act until the public shall have had an opportunity of bestowing upon it, a more matured consideration.

And your Petitioners as in duty bound, will ever pray, &c.

Signed

G.P. RIDOUT

*Pres. Toronto Board Trade, and others.*

We find ourselves in a curious position — Last night we were endeavouring to do away the Usury Laws, and to-day we are taxing property; he would support the amendment. He believed a very large addition may be made to our revenue from a supervision of the mode of collection of the duties — and he felt assured that, that source of revenue might be



increased £20,000 per annum.<sup>33</sup> However, if it was decided that the banks should be taxed, he thought that  $\frac{1}{2}$  of 1 per cent. and not more should be levied upon the capital, not the issues.<sup>34</sup>

**Sir Allan MacNab** thought that the tax should be half per cent on the issues; if that alteration was made in the amendment he would vote for it; which would produce £10,000 per annum. — (No, no.) I say, yes. He (Sir Allan) did ((not)) like taxing capital, it was inconsistent with responsible government.<sup>35</sup>

**Mr. Moffatt** said, although he should find himself in a small minority, he would oppose the measure altogether. He thought it very inexpedient to tax the Banks, either on their capital or their issues, but if a tax must be levied, let it be on the capital rather than the issue. He would greatly prefer a tax on distilleries.<sup>36</sup> The hon. member then expressed his opinion in favour of a *Bank of Issue*, as securing to us a sound and safe circulation. Indeed he regarded such an establishment as holding out advantages to the present institutions, the expense that would be saved in plates, and reduction of their establishments promising in a period of five years to make up all the deficiencies that might be incurred at first.<sup>37</sup>

**Mr. Harrison** said, if a Bank tax was imposed at all, he thought the tax should be on the circulation.<sup>38</sup>

**Mr. Neilson** was sorry to hear the Chancellor of the Exchequer confinen (sic) them to the issues — taxes were a choice of evils. He could not deny that Government had the right to tax Banks.<sup>39</sup>

**Mr. Dunscomb** said he hoped it was not the object of that House to get at the golden egg — he opposed, in strong terms, the scheme of taxing Banks.<sup>40</sup>

**Mr. Moffatt**, also, again opposed the measure.<sup>41</sup>

**Mr. Holmes** proposed the sum of 1 per cent....<sup>42</sup>

This was amended by **Mr. Dunscomb** it being reduced to  $\frac{1}{2}$  of 1 per cent.<sup>43</sup>

This was also negatived, as well as a motion for  $\frac{3}{4}$  of 1 per cent.<sup>44</sup>

**Mr. Holmes'** previous motion then carried and the house adopted the resolution to the amount of 1 per cent upon the average circulation.<sup>45</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair,

Progress reported.

And **Mr. Durand** reported that the Committee had made some progress, and had directed him to move for leave to sit again.

*Ordered* — That the said Committee have leave to sit again to-morrow, and that it be then the first order of the day.

House in Committee  
on Usury Law  
amendment Bill.

The Order of the day for the House in Committee on the Bill to exempt certain Mercantile transactions from the operation of the laws for the prevention of Usury, being read,

The House accordingly resolved itself into the said Committee.

**Mr. Christie** took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Progress reported.

And **Mr. Christie** reported that the Committee had made some progress, and had directed him to move for leave to sit again.

*Ordered* — That the said Committee have leave to sit again at the next sitting of the House.

At 5 o'clock, Mr. Speaker declared the House adjourned until 7 o'clock, P. M.

Seven o'Clock, P. M.

House in Committee  
on Usury Bill.

The Order of the day for the House in Committee on the Bill to exempt certain Mercantile transactions from the operation of the Laws for the prevention of usury, being read,

The House accordingly resolved itself into the said Committee.

Captain *Steele* took the chair of the Committee, and after some time spent therein,

Committee rises.

Mr. Speaker resumed the chair.

House in Committee on Bill for relief of purchasers at Sheriffs sales.

The Order of the day for the House in Committee on the Bill for the relief of purchasers at certain Sheriffs sales, made after such Sheriffs had been out of office, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Derbshire* took the chair of the Committee, and after some time spent therein,

Committee rises.

Mr. Speaker resumed the chair.

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House in Committee on Bill to facilitate claims against the Government.

The Order of the day for the House in Committee on the Bill to facilitate a legal remedy to persons having claims against Her Majesty's Provincial Government being read,

The House accordingly resolved itself into the said Committee.

Mr. *Roblin* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Bill reported without amendment.

And Mr. *Roblin* reported, that the Committee had gone through the Bill, without making any amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

House in Committee on Flour and Meal inspection Bill.

The Order of the day for the House in Committee on the Bill to regulate the inspection of flour and meal, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Thorburn* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Bill reported amended.

And Mr. *Thorburn* reported, that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it should be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

House in Com. on Bill to compel candidates to declare their qualifications.

The Order of the day for the House in Committee on the Bill to compel all candidates at any future elections for members of the Legislative Assembly, to make and subscribe detailed declarations of the property by them possessed, and under which they qualify, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Henry Smith* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Bill reported without amendment.

And Mr. *Henry Smith* reported, that the Committee had gone through the Bill, without making any amendments thereto, and the Report was again read at the Clerk's table.

*Ordered* — That the said Bill be engrossed.

Bill to be engrossed.

Mr. *Cartwright* moved, seconded by Sir *Allan MacNab*,

Remaining orders of day postponed.

That the Orders of the day, that have not been disposed of, be postponed until to-morrow, and that they be then the first Orders of the day.

The question having been put upon the said motion, a division ensued and it was carried in the Affirmative.

*Ordered* — accordingly.

Then, on motion of Mr. *Derbshire*, seconded by Mr. *Henry Smith*,  
The House adjourned.

## Appendix, 3 September 1841.

((Question re : Canada Company.))<sup>46</sup>

**Dr. Dunlop** said that before the orders of the day were brought on, seeing the hon. Secretary for the West in his place, he begged leave to ask him a question — a commission had been sent to the county he had the honour to represent, to enquire into the expenditure of the public money by the Canada Company — the Chief Commissioner had been some time at Goderich and other parts of the Tract last autumn, had made many investigations....<sup>47</sup> had examined numerous witnesses, gone over the ground himself, and taken voluminous notes on the subject ; but since autumn last, when he left the County, we had never ((heard)) of him or the report.<sup>48</sup>

**Mr. Harrison** had no objection to answer the question ; the facts were as he (Dr. D.) stated. The notes taken were in his (Mr. H.'s) office, but the Chief Commissioner, on arriving from Goderich, was suddenly recalled to England. It was expected he would soon return, but should he not, a new Commission would be appointed, in whose hands would be placed the document alluded to.<sup>49</sup>

Footnotes — 3 September 1841.

1. The EXAMINER, 8 September 1841, commented : "These rates it will be seen are in the same proportion, the dollar at 5s. 1d. being no more depreciated than the Sovereign at 24s. 4d. Our currency will be of the same value as in the United States, for although the dollar will be nominally 1d. higher, it must be recollected that dollars are almost invariably worth one per cent premium over gold."

2. The debate which followed the presentation of the Responsible Government Resolutions was reported by : LE CANADIEN, 8 September 1841, which is identical to KINGSTON CHRONICLE, 8 September 1841, both containing just the official report of the Resolutions and a commentary on them ; MONTREAL GAZETTE, 14 September 1841, containing the officially reported Resolutions ; KINGSTON CHRONICLE, 8 September 1841, containing the Resolutions and a commentary ; BRITISH COLONIST, 8 September 1841 ; EXAMINER, 8 September 1841, containing the debate and officially reported Resolutions. Despite the importance the Resolutions played in political life during the 1840's especially from the point of view of the Reform party, the reportage indicates that the issue considered by the newspapers to be really significant at least on that day of 3 September 1841 was the Bank of Issue. See JOURNALS, p. 484.

3. EXAMINER, 8 September 1841.

4. IBID.

5. IBID.

6. "Mr. Baldwin rose to move certain unintelligible Resolutions.

Mr. Harrison moved in amendment some which we might call counter Resolutions, though they were precisely the same, except that the Grammar was corrected. Mr. Baldwin very complacently yielded to his rival's superior knowledge of Lindley Murray. Every body perceived it was a farce — and nobody interrupted the performers by any observation. The Magna Charta of Responsible Government is therefore now on the Journals of the House, understand it who may. The public at large seem to be coming into Dr. Dunlop's opinion, however much they abused him for it at first — 'that Responsible Government was a trap set by knaves to catch fools.'" This commentary on the debate and Resolutions is found in KINGSTON CHRONICLE, 8 September 1841.

7. The debate on the Bank of Issue which occurred was reported by : EXAMINER, 8 September 1841, containing reports of the debate and a commentary ; LE CANADIEN, 8 September 1841 ; BRITISH COLONIST, 8 September 1841 ; KINGSTON CHRONICLE, 8 September 1841, MONTREAL GAZETTE, 10 September 1841, and EXAMINER, 15 September 1841, all containing reports of this debate misdated Saturday 4 September 1841 instead of Friday 3 September. The EXAMINER copied its report from the KINGSTON CHRONICLE, using only 13 speeches and omitting the rest. The KINGSTON CHRONICLE and the MONTREAL GAZETTE report the same number of speeches, and the speeches are usually identical, except that occasionally one speech is somewhat shorter in one paper. Sometimes the KINGSTON CHRONICLE has a longer version of a speech, sometimes the MONTREAL GAZETTE has. Also, the order of speakers is not quite the same in the two papers. The reason that some, but not all, of the speeches are identical, is probably that the reporters from the two papers co-operated by taking turns copying speeches and taking notes during their lunch and break periods, and working independently at other times. The possibility exists that one paper merely copied its report from the columns of the other as was frequently the case. However, in this specific instance all the evidence indicates that co-operation between reporters is the reasonable explanation. The other alternative is that only one reporter handled the entire debate, but this is not likely because the debate was one of exceptional length and the usual alignments of reporters and newspapers militates against that possibility.

8. MONTREAL GAZETTE, 10 September 1841.

9. BRITISH COLONIST, 8 September 1841.

10. IBID.

11. MONTREAL GAZETTE, 10 September 1841.

12. IBID.

13. BRITISH COLONIST, 8 September 1841.

14. KINGSTON CHRONICLE, 8 September 1841.

15. IBID.

16. IBID.



17. MONTREAL GAZETTE, 10 September 1841.
18. BRITISH COLONIST, 8 September 1841.
19. MONTREAL GAZETTE, 10 September 1841.
20. BRITISH COLONIST, 8 September 1841.
21. MONTREAL GAZETTE, 10 September 1841.
22. BRITISH COLONIST, 8 September 1841.
23. MONTREAL GAZETTE, 10 September 1841.
24. BRITISH COLONIST, 8 September 1841.
25. MONTREAL GAZETTE, 10 September 1841.
26. BRITISH COLONIST, 8 September 1841.
27. MONTREAL GAZETTE, 10 September 1841.
28. BRITISH COLONIST, 8 September 1841.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. KINGSTON CHRONICLE, 8 September 1841.
34. BRITISH COLONIST, 8 September 1841.
35. MONTREAL GAZETTE, 10 September 1841.
36. IBID.
37. BRITISH COLONIST, 8 September 1841.
38. MONTREAL GAZETTE, 10 September 1841.
39. IBID.
40. IBID.
41. IBID.
42. BRITISH COLONIST, 8 September 1841.
43. IBID.
44. IBID.
45. IBID.
46. This exchange in the Assembly was reported by: MONTREAL GAZETTE, 9 September 1841; BRITISH COLONIST, 8 September 1841; and KINGSTON CHRONICLE, 8 September 1841.
47. BRITISH COLONIST, 8 September 1841.
48. MONTREAL GAZETTE, 9 September 1841.
49. IBID.

**Saturday, 4 September 1841.**

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*Petitions brought up.*

The following Petitions were severally brought up, and laid on the table : —

By Mr. *Watts* — The Petition of *James Brady*, and others, inhabitants of the County of *Drummond*.

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Board of Trade Toronto, and Huron Rail Road Company.

By Mr. *Buchanan* — The Petition of the Board of Trade of *Toronto*; and the Petition of the Directors of the *Toronto* and *Lake Huron* Railroad Company.

J. Crooks.

By Mr. *Merritt* — The Petition of *James Crooks*, of *West Flamborough*, stating that thirteen days previous to the late war with the *United States*, the *Americans* captured a schooner belonging to him, and praying relief.

Mr. *Merritt* moved, seconded by Mr. *Thorburn*,

That the said Petition be now read, and that the rule of this House of the 28th of *June* last, be dispensed with as to the present Petition.

The question having been put upon the said motion, a division ensued, and it was carried in the Affirmative.

The said Petition was read accordingly.

*Petitions read.*

Pursuant to the Order of the day, the following Petitions were read : —

Of Rev. D. Allan, and others.

Of the Reverend *Daniel Allan*, and others, Inhabitants of *Stratford* and vicinity, praying that the Bible may be used as a class book in all the Schools in the Province.

Of F. Nadeau.

Of *Françoise Nadeau*, Widow of the late *Joseph Trudeau*, of the Parish of *St. Cyrien*, praying that she may be remunerated for losses sustained during the late Rebellion.

Of F. Denicourt.

Of *François Denicourt*, of the Parish of *St. Marie*, Farmer, praying to be indemnified for losses sustained during the late Rebellion.

Of P. E. Taschereau, and others.

Of *P. E. Taschereau*, and others, Inhabitants of the District of *Chaudiere*, praying that some enactment may be passed to alter the manner in which the Ordinance establishing District Councils is about being put into operation.

Of H. Smith.

Of *Henry Smith*, Superintendant of the Provincial Penitentiary, stating that since *March*, 1838, he has been at the expense of paying his servants, and has performed the duties of a Deputy since *May*, 1838, and praying relief.

Of N. Starke, and others.

Of *N. Starke*, and others, Inhabitants of the Counties of *Carleton* and *Lanark*, praying that the Legislative Assembly will adopt measures for the improvement of the road from *Bytown* to *Sydenham*.

Of James Cummings and others.

Of *James Cummings*, and others, Inhabitants of the District of *Niagara*, praying that the Legislative Assembly will adopt measures for inquiring into the condition of the *Canadian* prisoners, in exile for political offences, in *Vandiemans Land*, and elsewhere.

Motion to refer Petition of J. Crooks, to Select Com.

Mr. *Merritt* moved, seconded by the Honourable Mr. *Moffatt*,

That the Petition of *James Crooks*, of *West Flamborough*, be referred to a select Committee composed of the Honourable Mr. *Moffatt*, Mr. *Simpson*, Mr. *Dunlop*, and Mr. *Thorburn*, to examine the contents

thereof and report thereon with all convenient speed; with power to send for persons, papers, and records.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth :

## YEAS.

<i>Aylwin,</i>	<i>Dunscomb,</i>	<i>Price,</i>	<i>Taschereau,</i>
<i>Buchanan,</i>	<i>Gilchrist,</i>	<i>Prince,</i>	<i>Thompson,</i>
<i>Burnet,</i>	<i>MacNab, Sir A.N.</i>	<i>Roblin,</i>	<i>Thorburn,</i>
<i>Cartwright,</i>	<i>Merritt,</i>	<i>Small,</i>	<i>Williams,</i>
<i>Christie,</i>	<i>Moffatt, Hon. G.</i>	<i>Sherwood,</i>	<i>Woods,</i>
<i>Cook,</i>	<i>Parke,</i>	<i>Steele,</i>	<i>Yule. — 27.</i>
<i>Dunlop,</i>	<i>Powell,</i>	<i>Taché,</i>	

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## NOES.

<i>Baldwin,</i>	<i>Derbshire,</i>	<i>Neilson,</i>	<i>Quesnel,</i>
<i>Barthe,</i>	<i>De Salaberry,</i>	<i>Ogden, Hon. C.R.</i>	<i>Viger, Hon. D.B.</i>
<i>Crane,</i>	<i>Foster,</i>	<i>Parent,</i>	<i>Watts. — 14.</i>
<i>Day, Hon. C.D.</i>	<i>Johnston,</i>		

Carried.

So it was carried in the affirmative, and —  
*Resolved* — Accordingly.

*Petitions referred.*

Of P. E. Taschereau  
& others, to sel. Com.

On motion of Mr. *Taschereau*, seconded by Mr. *Taché*.

*Resolved* — That the Petition of P. E. *Taschereau*, and others, Inhabitants of the District of *Chaudière*, be referred to a select Committee composed of the Honourable Mr. *Daly*, Mr. *Neilson*, Mr. *Morin*, and Mr. *Aylwin*, to examine the contents thereof, and report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Of D. Allan & others  
to Com. on School  
Bill.

*Ordered* — That the Petition of the Reverend *Daniel Allan*, and others, inhabitants of *Stratford*, and vicinity, be referred to the select Committee to which was referred the Bill to repeal certain Acts therein mentioned, and to make provision for the establishment and maintenance of Common Schools throughout the Province, and other references.

Com. on Petition of  
J. Kalar, report.

Mr. *Merritt*, from the Special Committee to which was referred the Petition of *Adam Stull* and *Peter Lampman*, *J. Decow* and *John Kalar*, presented to the House the report of the said Committee, which was again read at the Clerk's Table, as followeth : —

Report.

"Your Committee having examined the Petition of *John Kalar*, had before them the Honourable *W. H. Draper*, (Attorney General *West*) who corroborated the statements and allegations contained in the Petition, but could point out no mode of relief under the peculiar circumstances of the case. — They also examined the Honourable *S. B. Harrison*, (Secretary *West*) on the subject. From the information thus obtained, your Committee is decidedly of opinion that the Petitioner, *John Kalar*, is entitled to indemnity for his losses, from the Provincial Government."

Report referred to  
Com. of whole on  
Wednesday.

*Ordered* — That the said Report be referred to a Committee of the whole House on *Wednesday* next.

Leave of absence to  
Mr. Prince.

*Ordered* — That Mr. *Prince*, have leave to absent himself from this House, during the remainder of the present Session.

House to go into  
Com. on Monday,  
on U. C. macadamized  
Roads regulation  
Act.

On motion of Mr. *Small*, seconded by Mr. *Christie*.

*Resolved* — That this House will, on *Monday* next, resolve itself into a Committee of the whole House, to take into consideration the propriety of explaining and amending certain parts of an Act passed during the last Session of the Parliament of the late Province of *Upper Canada* entitled "*An Act to repeal, alter and amend the Laws now in*



"force for the regulation of the several Macadamized roads within this Province."

Amendments of  
L. Council to  
Magdalen Islands  
Judicature Bill  
to be considered on  
Monday.

Bill for holding Dist.  
& Div. Courts in  
Simcoe brought in.

On motion of Mr. *Christie*, seconded by Mr. *Thompson*,  
*Ordered* — That the amendments made by the Legislative Council to the Bill intituled "*An Act to provide temporarily for the administration of Justice in the Magdalen Islands in the Gulf of St. Lawrence*," be taken into consideration on *Monday* next.

*Ordered* — That Captain *Steele*, have leave to bring in a Bill to authorize the holding of District Courts and Division Courts in and for the county of *Simcoe*.

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He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time on *Wednesday* next.

Motion for House in  
Com. on taxing im-  
ported produce.

Mr. *Prince* moved, seconded by Mr. *Buchanan*,  
For leave to take up the Order of the day for the House in Committee to consider the expediency of imposing a duty on Agricultural and other produce, and also on live stock, imported into this Country from the *United States of America*.<sup>1</sup>

A good deal of opposition was manifested on the occasion both from the treasury benches, and from other parts of the house, — the plea urged being that there were other measures of greater moment on the list, that had a right of precedence in point of order.<sup>2</sup>

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The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth : —

#### YEAS.

<i>Buchanan,</i>	<i>Gilchrist,</i>	<i>Powell,</i>	<i>Steele,</i>
<i>Cameron,</i>	<i>Hopkins,</i>	<i>Price,</i>	<i>Taschereau,</i>
<i>Cook,</i>	<i>Johnston,</i>	<i>Prince,</i>	<i>Thompson,</i>
<i>Crane,</i>	<i>McLean,</i>	<i>Roblin,</i>	<i>Thorburn,</i>
<i>De Salaberry,</i>	<i>Merritt,</i>	<i>Small,</i>	<i>Williams,</i>
<i>Dunlop,</i>	<i>Parke,</i>	<i>Smith, (Fron.)</i>	<i>Woods. — 24.</i>

#### NOES.

<i>Aylwin,</i>	<i>Day, Hon. C. D.</i>	<i>Kimber,</i>	<i>Sherwood,</i>
<i>Baldwin,</i>	<i>Derbshire,</i>	<i>Moffatt, Hon. G.</i>	<i>Taché,</i>
<i>Barthe,</i>	<i>Dunscornb,</i>	<i>Neilson,</i>	<i>Turcotte,</i>
<i>Black,</i>	<i>Foster,</i>	<i>Ogden, Hon. C.R.</i>	<i>Viger, Hon. D.B.</i>
<i>Burnet,</i>	<i>Harrison, Hon. S.B.</i>	<i>Parent,</i>	<i>Yule. — 23.</i>
<i>Christie,</i>	<i>Holmes,</i>	<i>Simpson,</i>	

Carried.  
House in Com. on  
the same.

So it was carried in the Affirmative.  
And the House accordingly resolved itself into the said Committee.  
Mr. *Turcotte* took the chair of the Committee,

**Col. Prince** then submitted for the adoption of the committee, the following resolution : —  
*Resolved* — That it is expedient to impose a tax upon agricultural produce and stock imported into this country from the United States, for consumption. The gallant and learned member said his remarks should be very brief, the opinions of every hon. member being, he thought, already formed. It was only fair, he contended, that there should be a reciprocal duty, — that such of our products and stock as were taxed by the Americans should be subject to a similar tax imposed by us.<sup>3</sup>

**Mr. Child** said this would cut off the inhabitants of the Lower Province from their best markets — large droves of cattle being purchased in the Seigniories by the Americans, which would, if such a measure was adopted, be comparatively profitless — that the amount of flour admitted by us free of duty, gave strength and energy to that part of the country, and employment to capital.<sup>4</sup>

**Mr. Thompson** said, that under the present system we paid 23 per cent., in support of the American Government, in the way of duty, the Americans taking cash only in payment from us, and that unless we in our turn, were allowed to levy a duty upon them, agriculture could never prosper in the country.<sup>5</sup>

**Mr. Cameron** supported the resolution, showing that our farmers were utterly unable to grow flour at the price for which the Americans introduced theirs.<sup>6</sup>

**Messrs. Viger and Dunscomb** were both strongly opposed to the resolution, as militating against the interests of Lower Canada, with regard to stock.<sup>7</sup>

The latter gentleman (**Mr. Dunscomb**) then submitted an amendment, to the effect that stock should be *exempt* from the tax, urging that Upper Canada was purely a grain growing country, and therefore required no such reservation of interests.<sup>8</sup>

**Col. Prince** replied — that such an argument was decidedly in favour of the resolution. If the upper section was purely a grain growing country, why not enact a salutary law, for its protection and encouragement, unless the inhabitants of the Lower Province preferred purchasing their flour of the Yankees. Besides the quantity of hay imported from the States into this country, said the gallant and learned member, there is a great amount of American stock also introduced, — the consequence is, the efforts of our agriculturists are completely paralyzed (sic), for they are absolutely driven out of the market.<sup>9</sup>

**Mr. Moffatt** expressed his opposition to both the resolution and the amendment, saying that a protecting duty provided by the Imperial Government, our imposing a duty on American produce, would be injurious to Lower Canada. With respect to stock, he thought that our provision trade with the West Indies would be on a much better footing if the Imperial Government would place it in the same position as the home provision trade. — He also asked by this restriction, if the price of flour would be raised in the British market? contending if that was not the case our object would be defeated.<sup>10</sup>

**Mr. Cartwright** opposed the resolution, but having left the house for a short time, he was only heard to say that a protective system would have the effect of inundating us with Baltic wheat, purchased at a low price, and imported into this country as ballast.<sup>11</sup>

**Mr. Buchanan** seconded the resolution from no wish to undervalue, or at all to interfere with the interest of the miller or carrier, but with a determination to get prosperity brought within the power of the Canadian farmer, as the general result of industry. His own idea had always been that the colonial duty now about to be levied, might have been avoided by a free trade being established between the colony and the mother country, Canada made British ground, and an Imperial fixed duty levied on our frontier instead of at the British ports, on American produce. — But as there seems no immediate prospect of this, their natural guardians, our Colonial Executive, seem rather philanthropists than patriots, being quite as pleased whether in Ohio or on British ground they make "the two blades of grass grow where there was before only one," therefore he (Mr. B.) had made up his mind to join the agriculturist in his own way of reasoning this great and crying grievance. Before the Union, no executive in Upper Canada could have held office without agreeing to protect the agriculturist. If a duty on the products of America coming in for home consumption effects no more, it will at least guard our circulaion and secure us our own money for the purchase of our own crop. But it will effect much more. It will enable the farmer *confidently* to depend on a remunerating price for the cattle he raises, as well as for the grain he grows. He (Mr. Buchanan) did not deny that we now get our grain introduced into the mother country on very advantageous terms, but he must deny most unequivocally that the *practical result* of this could be expected to be, or in practice is, that the Canadian farmer sends off his wheat to England and eats cheaper from the United States. He contended that *the farmer did not get, as matter of fact, the full price warranted by the state or prospects of the English market, and he is interfered with in his own (the Canadian) market.* The wheat of the United States (if only

floured in Canada) being admitted into England on the same terms as if it were of Canadian growth, has the effect of reducing the inland markets of Canada, and the farmer only gets the trifle more than *the price in the United States* which it will take to bring wheat from that country to the mills in Canada, instead of a price nearly equal to the English price deducting transport and duty. Not only is production impeded but we (situated as things are) lose the best of the immigration. Even when one of these settlers who are most valuable (men of science as well as capital,) arrives out by the St. Lawrence, he finds on arriving at Kingston that it will be for his advantage to locate himself in the neighbourhood of Oswego, on the American side, instead of in the neighbourhood of Kingston, because, (settled there,) he has open to him all the American markets while he can enjoy the same privilege in the British market as the Canadian does, by only sending his grain to be ground in Canada, and while (which is surely most absurd) he is as free in Canadian markets as the Canadian farmer himself, *wherever he finds it suits him*, although the Canadian cannot enter the United States markets except under the most exorbitant (sic) duties. We have, therefore, to give specie or its equivalent for all we buy of the Americans or nearly all. Protection to the Canadian farmer in his own market can be easily attained without throwing obstacles in the way of the American produce passing through our communications, by taking bonds in settlement of duties on produce in transitu, liable to be cancelled by certificates of the shipment at Montreal or Quebec.<sup>12</sup> An increase in our trading community and carrying trade does not benefit our farmers, because it is at present the American farmer who supplies Canada with food of all kinds, although our products are debarred from all the American markets. He (Mr. Buchanan) would only point out one instance of hardship to the Canadian farmer; wool sells very high on the other side of the lake, in the State of New York, and very low on this side of the lake. Now, not only does the duty to the States amount to a prohibition on our wool, but Sir, the high return on the American's wool enables him to deluge the Canadian market with Yankee mutton, at a price at which the Canadian farmer cannot possibly afford to raise it.<sup>13</sup>

**Mr. Merritt** then rose and said, that all admit, that farmers and those interested in agriculture believe, a duty on grain would encrease (sic) its value. If no other cause could be assigned, at variance with opinions, it is a sufficient reason to discuss the subject, in order to remove this error, or confirm their opinions, if well-founded. Greater injury has been done to the agriculturists by their advocates attempting to defend unsound principles, than all the arguments advanced by those entertaining opposite opinions. Public attention has been directed to those theories while the true cause has been kept out of view. I allow at once freely, that any quantity of grain or flour passing through Canada to Britain or any other part of the world — or that any duty this Legislature may impose, will not depreciate the price in that market; that the value of the article in Montreal, (when even the markets are better in Britain than America,) is governed by its value in Britain — that the value of a bushel of wheat on the north side of Lake Erie is governed by its value at Montreal, and not, as some of our advocates maintain, by its value on the south side of that lake, where the article is grown in place of being consumed, but I deny that the Canadian farmer derives the advantage he is entitled to, from a home market, and *to this point alone* I will confine my observations. The hon. member for Montreal maintains, that the Canadian farmer obtains a better price in Britain for all he grows — therefore he may sell it and purchase what he consumes, and be a gainer by the transaction. — Entertaining those opinions for many years, I am not insensible to the effects they produce — but, feeling equally confident, however plausible it may appear, that *practically* it does not produce that effect. In every country where the grower can sell at once to the consumer, without the intervention of third or more parties to lessen the profit, he obtains the highest price; — when compelled to sell to a foreign demand, the charges incident to changing hands — commission, duty, &c., which nearly equals 15s. per barrel for flour, leaves the market subject to constant fluctuations — the purchaser only gives the price the lowest market will warrant in Britain — and this uncertainty causes the market to be governed in most places by the home demand — which on the frontier is supplied from the United States, thus virtually depriving the farmer of his natural market. By imposing this duty, the Canadian grower would at all times and under all circumstances, have the benefit of the market in Canada as well as in Britain. — The price of grain would be increased precisely to the amount of the duty imposed, — whenever bread-stuffs were higher in Britain than in America, and the operation of the discriminating duty in England, intended for our benefit, will be visible by a comparison of the increased value of Canadian over the wheat of the adjoining States, which at this moment is not seen or felt because the farmer in the United States has the full benefit of our Home market as well as that of the Mother Country.



I therefore draw this marked distinction — that although the latter does not injure the Canadian grower — the former does. The hon. member for Richelieu says it will be unjust towards that portion of Lower Canada who are not wheat growers. I admit that whenever prices are higher in America than in Britain, it will increase the price to the consumer — but if, as I maintain, the agricultural interest forms the greatest portion of the population, it will be just. In the United States, although the wheat growing country is confined the to (sic) middle States, from Virginia to N. York, the cotton, tobacco, and sugar-grower of the south, as well as the manufacturer at the north, cheerfully submit to the tax when necessary — well knowing the increase of price for the products of the soil enhances the value of the soil also. From the great distance that we are situated from the sea, and thence to the West Indies, we can never hope for a share of that market. New Brunswick, Nova Scotia, and Newfoundland, obtain their supplies generally from the United States on better terms. We must, therefore, rely wholly on our market — from the Mother Country, to which I hope we will soon have free access — and for Home consumption our own country — to which the grower has a natural right, and as it will interfere with no other interest — neither with the miller, the forwarder, the commission agent, nor the shipper, I give the measure my cordial and hearty support. — <sup>14</sup>

**Capt. Steele**, in voting for the resolution before the committee, did so as the representative of a great agricultural county. The Canadian farmer only desired to obtain from the legislature a *moderate* protection to enable him to come into the market, without being undersold, by the introduction free of duty, of produce and live stock from the States, for home consumption. Live and let live was the just maxim which actuated him, and he would deprecate any thing injurious to the other great interests of the province. Let the miller, the forwarder, and the merchant in their turn, bear in mind, that this is an agricultural province, — and he (Capt. Steele) would call upon hon. members who represented the more favoured population in the front, to consider the interests of the back townships, by granting the protection sought for. <sup>15</sup>

**Mr. Cameron** said this was a subject, which admitted of no delay. He should not impede it even by a speech; but he must allude to two points, the one mentioned by the member for Richelieu, and the other by the member from Montreal (Mr. Moffatt). The member for Richelieu yesterday ably, philosophically, and metaphysically proved that the usury laws should be abolished in England but not in Canada, and that in general the laws that were a shield to a manufacturing country would be ruinous to an agricultural country. He showed that England was dependant on manufactures, but that Canada was exclusively an agricultural country, to-day. The matter is changed. The same laws and the same system in the very matter of agriculture itself, applies equally to both. Yesterday the hon. gentleman proved that you must respect the rate of interest — the lending of money — and to-day every thing must be free as air. He (Mr. C.) was an advocate for general free trade; but where is it carried out? Not at all events in Canada. The farmer must pay 30 per cent duty for his boots and shoes; 30 per cent for his books; 20 per cent for his tobacco. — 15 per cent for his cotton sheeting or other goods. — 15 per cent for his leather; and then, forsooth, he told you must give free trade to all the world in agricultural products — the United States, the Russians — every body may sell in your market. Yet those countries will not allow you to go to their markets. At this moment wheat is 6s. 3d. in Cleveland, and 5s. on the Canada side of Lake Erie, and in which market our farmers must pay 1s. 3d. per bushel duty. He (Mr. C.) was in favour of the reciprocal treaties, let us impose this tax so long as the Americans keep on theirs, and no longer. We have had a long correspondence with their government on this subject, but they will never alter their duties till we shackle their trade a little. We have no manufactures to assist our markets, we are ashamed we cannot import machinery — not even a carding machine. England will not suffer us to manufacture, and we do not need ((to)) if our agricultural interest is well provided for. He (Mr. Cameron) would be the last man to discourage the forwarding or milling interest, let all the world carry their products through our country, over our roads, and through our canals, to pay duties, and enrich our commercial men — but, do not let them supply our troops or lumber trade, we can do that ourselves. If a revenue must be raised by taxation, surely this is a legitimate source, and let the tax be so low that it will induce the trade to go on. The hon. gentleman for Montreal remarked that if the man on the frontier sold his grain high, it enabled him to go back and buy of the farmer in the interior at a good price. Now in the first place from the interior we had no roads, and from the course taken by the hon. gentleman and others, he feared there would be none. In the next place, the idea was really trifling with the feelings and sense of the farmers.

The man who sold his own wheat high in the front instead of going back, bought American wheat and flour low to eat — it needed neither proof nor voucher. The measure, he contended, was just as equitable, and though he approved of the policy of the government, and had generally supported their measures, and would continue to do so so long as they were consistent with the principles they had professed, and for the “greatest good to the greatest number,” yet in this case he was bound to say that this measure being strictly in accordance with the interest and expressed wishes of the people, he could and would support no Government in resisting it. In short, he said it was a measure which must be granted.<sup>16</sup>

**Mr. Williams** entreated the indulgence of the Committee to a few observations he had to make on this most important subject, — a subject of primary and paramount importance to the entire agricultural population of this Province. Having the honor to (sic) ((to)) represent a county essentially agricultural, it was his duty as well as his inclination to advocate the interests of that great class of the community. — He had noticed for years past with extreme concern, the vast quantities of American wheat imported into this Province free of duty, then ground into flour and consumed ; or imported into the United Kingdom from this Colony, as the growth of this Province. This traffic had naturally led him to the investigation of the authority on which it is pretended to be founded, and the conclusion deduced from that investigation is a conviction in his mind that the Parliament which passed the Imperial statute of the 5th July, 1825, never contemplated it could be so construed as to recognize the introduction into the United Kingdom of flour manufactured from wheat of foreign growth, on precisely the same terms as flour manufactured from wheat of Colonial growth. There is nothing in the act itself, nor in the discussion that took place in the Houses of the Imperial Parliament when the act passed through its various stages, that will warrant us to come to the conclusion that the Parliament intended to embrace a principle so subversive of the agricultural interests of the Empire ; and it is for this House to make known to Her Majesty's Ministers the extent of this traffic, that no such imposition may be practised on the British revenue, and that the British and Colonial grower may be protected in their legitimate rights. Mr. W. admits that the traffic alluded to is very profitable to all persons engaged in it, but in his opinion it is sacrificing the agriculturalist to the commercial interest, — his desire is that the one shall not predominate over the other. No consideration would induce him to advocate any measure that would prostrate the commercial interest of this Colony. The agriculturists do not desire it, all that we contend for is, that the Colonial grower shall be admitted into the market of the United Kingdom on more favourable terms than the foreign grower. Although the foreign grain be ground into flour in this Colony, and imported into England by British shipping, this may easily be effected by permitting all agricultural productions from this Colony to be imported into the United Kingdom free of duty and a moderate tax to be levied on United States productions when imported into this Colony, not exceeding the duties now imposed on the United Kingdom on that of Colonial growth. The adoption of this system would effectually protect the Canadian farmer, and it is the bounden duty of both Houses of the Legislature to transmit a joint address to Her Majesty, praying that Her Majesty will be graciously pleased to take the same into Her Royal consideration.<sup>17</sup>

**Mr. Buchanan** was glad at all events to see it universally allowed, that agriculture is our most vital interest ; and that if we make it clear that the farmer sustains a loss, it will not by any be viewed as any adequate set off in a national point of view, that such *loss* is *gained* by millers or forwarders, however important these interests may be. Hon. members don't deny that American flour undersells Canadian flour in Canadian markets. How could they, when we know that even the troops are supplied with it ? It is, however, persisted in, that our privilege of shipping to England (a privilege shared by the Americans,) and of our having our supplies of foreign food at a low price ! are sufficient boons to the farmer. He (Mr. Buchanan) could not take that view of the subject, nor could he agree with an hon. member (Mr. Merritt) who seems to think that our farmer gets the full advantage of the British market. He was glad, however, that that hon. member went in favour of the tax “to protect our agriculturist in his own market.” He (Mr. B.) contended that the Canadian farmer has not in reality the full advantage of the British price, and certainly he has no protection in Canadian markets. He may get the British price if he likes to ship his own produce, — and there would be less cause of complaint if business was on a barter system !! The merchant then would give his goods in proportion to the price in the British markets, and receive the farmer's wheat in a like proportion to the British price of grain. Strange that the use of money or bank notes should operate so great a difference ! The speculator or the merchant paid for his goods, goes cash in hand to purchase wheat ; but does he then give you the nearest approximation to the

British price? He (Mr. B.) thought it much more natural for him to say, why, its true, the British price would warrant me giving 4s 6d per bushel, but I can lay down the wheat from Ohio at 3s., I will not therefore give you more than 3s 3d. And he (Mr. B.) thought the operation of a moderate duty would be to secure protection to the Canadian farmer, *both in his own and the British market.*<sup>18</sup>

Mr. Durand maintained that the Americans forced us out of the market — glutting it with their produce, and taking away all our ready cash. The duty proposed to be levied, he said, would add to the revenue, and protect the farmer, without whom neither the merchant, the trader, nor the storekeeper could prosper. If you are to have free trade, said he, let us have it free on both sides, — but if the products of the one are to be taxed, on fair terms of reciprocity, let the products of the other be subject to a similar impost.<sup>19</sup>

Mr. Dunscomb's amendment was then negatived, and the resolution carried.<sup>20</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair,

Resolution reported.

And Mr. Turcotte reported, that the Committee had come to a Resolution, which he was directed to submit to the House whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received on *Monday* next.<sup>21</sup>

Message from  
His Excellency.

The Honourable *S. B. Harrison*, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency, the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the members of the House being uncovered, and is as followeth : —

SYDENHAM,

Message in answer  
to address for pardon  
of political offences.

In reply to their Address of the 30th *August*, the Governor General assures the House of Assembly, that both in the advice which he may be called on humbly to tender to the Queen, and in the exercise of the prerogative of the Crown, where that power is entrusted to himself, within the Colony, it is, and will continue to be, his anxious desire to treat all cases, connected with the late unhappy disturbances, with the utmost indulgence which may be compatible with the safety of the Crown and the security of the Province.

The Governor General will not fail to bring the expression of the wishes of the House of Assembly, as conveyed in this Address, under the notice of Her Majesty's Government.

Kingston, September 4, 1841.

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On motion of Mr. Aylwin, seconded by Mr. Parent.

Address for copy of  
Commission of late  
Collector at Coteau  
du Lac, ordered.

*Resolved* — That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a copy of the Commission of the immediate predecessor in the office of the Collector of Customs at *Coteau du Lac*, of the present incumbent, and the date of the resignation or removal from office of the said immediate predecessor.

*Ordered* — That the said Address be presented to His Excellency by such members of this House as are of the Honourable the Executive Council of this Province.

Chairman of Com. of  
whole on Bill to  
facilitate claimants  
against Government,  
reports the Bill.  
Bill to be engrossed.

Mr. Roblin, from the Committee of the whole House on the Bill to facilitate a remedy to persons having claims against Her Majesty's Provincial Government, reported, according to Order, the Bill, without any amendment, and the Report was again read at the Clerk's table.

*Ordered* — That the said Bill be engrossed.



Chairman of Com. of whole on Flour and Meal inspection Bill reports amendments to Bill.

Mr. *Thorburn*, from the Committee of the whole House on the Bill to regulate the inspection of flour and meal, reported, according to Order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

*Ordered* — That the said Bill as amended, be engrossed.

Bill to naturalize L. Lyman, read 2nd time.

A Bill to secure to, and confer upon, *Lewis Lyman*, an inhabitant of this Province, the civil and political rights of a natural born *British* subject, was, according to Order, read a second time.

Bill to be engrossed.

*Ordered* — That the said Bill be engrossed.

Montreal City Bank extension Bill read 2nd time.

A Bill to extend the Charter of the City Bank of *Montreal*, and to increase its Capital Stock, was, according to Order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House on *Wednesday* next.

Quebec Bank extension Bill read 2nd time.

A Bill to extend the Charter of the *Quebec* Bank, was, according to Order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House, on *Wednesday* next.

Order for House in Com. on repealing Ordinance for recovery of Small Debts.

The Order of the day for the House in Committee to consider the expediency of repealing a certain Ordinance of the Governor and Special Council of the late Province of *Lower Canada*, intituled "*An Ordinance to provide for the more easy and expeditious administration of Justice in Civil Causes, and matters involving small pecuniary value and interest, throughout this Province*," and to provide, by other Legislative Enactments, for that object, being read,

On motion of Mr. Attorney General *Ogden*, seconded by Mr. *Aylwin*,

Instruction to Com.

*Ordered* — That it be an instruction to the said Committee to consider the expediency of further extending the power of His Excellency, the Governor General, to bring into force the Ordinance of the 4th VICTORIA, Chapter 26 intituled "*An Ordinance to facilitate the despatch of the business now before the Court King's Bench for the District of Montreal*;" and also of extending the period during which it shall be lawful for the Governor to bring into force, by Proclamation, the Ordinance of the 4th VICTORIA, Chapter 45, intituled "*An Ordinance to establish new Territorial Divisions of Lower Canada, and to alter and amend the Judicature, and to provide for the better and more efficient administration of Justice throughout the Province*," — and such other Ordinance and parts of Ordinances, as may be essential to the working of the Ordinance last mentioned, not yet in force.

House goes into Com.

The House then resolved itself into the said Committee.

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Mr. *Taché* took the chair of the Committee, and after some time spent therein,

Resolutions reported.

Mr. Speaker resumed the chair,

And Mr. *Taché* reported that the Committee had come to several Resolutions, which Resolutions were again read at the Clerk's Table, and agreed to by the House, and are as followeth :

1st Resolution.

*Resolved* — That it is expedient to repeal a certain Ordinance of the Governor and Special Council for that part of this Province heretofore *Lower Canada*, intituled "*An Ordinance to provide for the more easy and expeditious administration of Justice in civil causes, and matters involving small pecuniary value and interest, throughout this Province*."

2nd Resolution.

*Resolved* — That it is expedient further to extend the power of the Governor General, for bringing into operation a certain Ordinance of the Governor and Special Council, intituled "*An Ordinance to establish*"

"new Territorial Divisions of Lower Canada, and to alter and amend the Judicature, and provide for the better and more efficient administration of Justice throughout this Province," and such other Ordinances as may be essential to the working of the Ordinance last mentioned, and are not yet in force.

3rd Resolution.

*Resolved* — That it is expedient further to continue, for a limited time, a certain Ordinance of the Governor and Special Council, intituled "*An Ordinance to facilitate the despatch of the Public business now before the Court of King's Bench for the District of Montreal.*"

Bill for recovery of Small Debts in Canada W. brought in.

*Ordered* — That Mr. Attorney General Ogden have leave to bring in a Bill to provide for the more easy and expeditious administration of Justice in civil causes, and matters involving small pecuniary value in that part of this Province heretofore *Lower Canada*.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time on *Monday* next.

Message from Leg. Council.

A message from the Legislative Council, by *John Godfrey Spragge*, Esquire, master in chancery.

MR. SPEAKER,

The Legislative Council have passed the following Bills, without any amendment :

Bills passed L. Council :

Montreal aged Women's Asylum Bill.

"*An Act to incorporate the Montreal Asylum for aged and infirm women.*"

Bill to extend provision of a certain Ordinance to a Road on River St. Charles.

"*An Act to extend the provisions of an Ordinance therein mentioned, to a certain Road on the North Side of the River St. Charles, in the District of Quebec.*"

Bill to amend Act for election of Grand River Directors.

"*An Act to amend the law regulating the election of Directors of the Grand River Navigation Company.*"

Welland Canal Stock purchase Bill.

"*An Act to authorize the Stock held by private parties in the Welland Canal to be purchased on behalf of the Province.*"

And also —

Toronto Gas & water Co. Bill sent down amended.

The Legislative Council have passed the Bill, intituled "*An Act to incorporate a Company under the style and title of the City of Toronto Gas Light and Water Company*", with several amendment, to which they desire the concurrence of the Assembly, and then he withdrew.

House in Com. on Message on Pub. Improvements.

The Order of the day for the House in Committee to take into consideration the Message of His Excellency, the Governor General, relative to Public Improvements, together with the documents accompanying the same, and other references, being read,

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The House accordingly resolved itself into the said Committee. Mr. *Durand* took the chair of the Committee.<sup>22</sup>

The whole of the estimates commencing with class 2: The Bay of Chaleurs Road, down to the London, Chatham, and Amherstburg inclusive, were submitted *seriatim*, and sanctioned; not, however, without a good deal of animadversion on the part of Messrs. Baldwin, Aylwin and others, who appeared to look upon the whole proceeding as a mere farce, involving a delusive expectation of getting a loan which would never be realised, and indicative of a recklessness, in contracting an amount of debt which we should never be able to pay. The same gentlemen also gave the house to understand, that they would reserve their concentrated opposition for a future occasion, when the various bills would be introduced.<sup>23</sup>

A good deal of discussion took place relative to different roads, the President of the Board of Works ((Mr. Killaly)) rising several times to explain the grounds upon which the estimates relative to them had been formed.<sup>24</sup>

**Mr. Harrison** then said, that having in accordance with the amount of funds raised, voted £315,000 to be expended on the St. Lawrence, and there being every hope, from the previous debates, that a sufficient revenue would be provided to carry out the whole scheme, he would move that £56,000 be granted for Lake St. Peter and £376,000, in addition to the former sum (sic), for the St. Lawrence, to render that work efficient; otherwise, we should be compelled again to go into the money market to make up the requisite amount. — These two last grants however, were to be based upon the provisions of the 2nd resolution, the words in italics applying particularly to the stipulations, to which the Hon. Secretary directed the attention of the house. The resolution is as follows: — 2. *Resolved* — “That so soon as a loan of not less than £500,000 *can be negotiated and obtained by the Government of this province, from any private Company or Companies, at a reduced rate of interest, the improvement of the navigation of the River St. Lawrence should be undertaken and completed.*” This, however, did not suit hon. members, who were all speaking together against it. Mr. Harrison expressing his desire to meet the views of all parties, the resolution was merged in the last paragraph of the first resolution, the expenditure of the St. Lawrence, not to be contingent upon the loans being obtained “*from any private Company or Companies,*” nor at “*a reduced rate of interest.*” £36,000 was also voted for bridges to reunite Quebec with Montreal.<sup>25</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair,

Resolutions reported.

And Mr. *Durand* reported that the Committee had come to several Resolutions, which he was directed to submit to the House whenever it shall be pleased to receive the same.

*Ordered* — That the report be received on *Monday* next.

Reports &c. on Light  
Houses laid before  
the House.

The Honourable *S. B. Harrison*, of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General, Reports and other Documents connected with light Houses, pursuant to the Provincial Statutes, 7 WILLIAM 4, Chapters 95 and 96.

For the said Reports and Documents, See Appendix (G. G.)

Remaining orders of  
day postponed.

On motion of Mr. *Aylwin*, seconded by Mr. *Christie*,*Ordered* — That the Orders of the day that have not been disposed of be postponed until *Monday* next.

At 5 o'clock, Mr. Speaker declared the House adjourned until *Monday* next, at 10 o'clock, A. M.

Footnotes — 4 September 1841.

1. The debate on this matter was reported by: KINGSTON CHRONICLE, 8 September 1841; BRITISH COLONIST, 8 September 1841; EXAMINER, 15 September 1841, containing the same report as KINGSTON CHRONICLE, 8 September 1841; EXAMINER, 8 September 1841 merely noted the debate; LE CANADIEN, 8 September 1841 contained a commentary on the debate. The EXAMINER, 15 September 1841, and the KINGSTON CHRONICLE, 8 September 1841, contain only 4 speeches each. Of these, 1 is identical to a speech in the BRITISH COLONIST, 1 is identical but longer, and 2 are not reported by the BRITISH COLONIST. The evidence indicates that there was co-operation between the reporters of the three newspapers, or at least between those of the CHRONICLE and the COLONIST.

2. BRITISH COLONIST, 8 September 1841.

3. IBID.

4. IBID.

5. IBID.

6. IBID.

7. IBID.

8. IBID.

9. IBID.

10. IBID.

11. IBID.

12. IBID.

13. EXAMINER, 15 September 1841.

14. BRITISH COLONIST, 8 September 1841.

15. IBID.

16. KINGSTON CHRONICLE, 8 September 1841.

17. IBID.



18. BRITISH COLONIST, 8 September 1841.

19. IBID.

20. IBID.

21. LE CANADIEN, 8 September 1841, presents the following commentary: "Cette proposition a été repoussée par presque tous les membres du Bas-Canada, et soutenue par la majorité des membres du Haut-Canada. Nos membres ont prétendu que cela était imposer une taxe sur le Bas-Canada au profit du Haut-Canada, en obligeant le Bas-Canada qui ne produit pas assez pour sa consommation, de payer plus cher qu'il ne paie maintenant pour le surplus dont il a besoin. Il y avait en outre à opposer à cette proposition des motifs d'intérêt général. On dépense des millions pour ouvrir des canaux, et l'on veut fermer ces canaux aux produits Américains, sur lesquels on fonde pour beaucoup dans les revenus qu'on attend de ces canaux par la suite. Militait aussi contre la taxe proposée, le danger, reconnu par l'expérience, d'encourager par des droits protecteurs, par des moyens artificiels, une industrie quelconque, et surtout l'industrie agricole, au lieu de laisser ces industries aux moyens naturels que leur offrent la position géographique du pays, son sol, son climat et les aptitudes de ses habitants. Agir autrement c'est diriger (sic) les efforts et les capitaux d'un peuple dans des voies forcées, incertaines, précaires, sujettes à des révolutions et fluctuations ruineuses, au lieu de celles, toujours plus avantageuses, plus sûres, moins précaires, qu'ouvrent les voies naturelles du pays. Si une industrie quelconque dans un pays ne peut supporter la concurrence de la même industrie dans les pays étrangers, l'état doit chercher à diriger les efforts de ses sujets vers d'autres branches d'industrie capables de supporter cette concurrence. En suivant cette marche, on établit la prospérité d'un peuple sur des bases inébranlables; on pourra aller moins vite, mais on ne s'expose pas au danger de reculer; on pourra paraître pendant un temps jouir d'une moindre prospérité, mais on se met à l'abri de ces tourmentes commerciales qui produisent des sommes de souffrances hors de toute conception, souvent la cause de bouleversements sociaux et politiques. Rappelons-nous quelle alarme s'est répandue dans le Canada, lorsqu'on a appris que les ministres s'occupaient de réduire les droits protecteurs à l'égard de nos bois, et qu'il faudra que nous (sic) perdions tôt ou tard. Il en est de même de presque tous les droits protecteurs: un jour arrive où ces droits cessent, et alors les intérêts créés par les droits protecteurs sont détruits, et il en résulte une ruine, et des malheurs d'autant plus considérables, que ces intérêts comprennent une portion plus nombreuse de la société. Quelques fois il arrive que les Législateurs reculent devant les maux dont on est menacé, et d'une manière ou d'une autre ils viennent au secours des intérêts menacés ou sacrifiés, et cela par de nouveaux moyens de protection artificielle, qui ne font qu'augmenter le mal, ou le rendre plus difficile à guérir; et l'on marche ainsi de mal en pis, jusqu'à ce que le mal soit incurable."

22. This debate was reported by: BRITISH COLONIST, 8 September 1841; EXAMINER, 15 September 1841; noted by EXAMINER, 8 September 1841; and commented upon by LE CANADIEN, 8 September 1841.

23. BRITISH COLONIST, 8 September 1841.

24. IBID.

25. IBID.

## Monday, 6 September 1841.

- Petitions brought up.* (491)  
The following Petitions were severally brought up, and laid on the Table :
- J. Post.  
By Mr. Baldwin — The Petition of *John Post*, and others, inhabitants of the Townships of *Tyendinaga* and *Richmond*.  
By the Honourable Mr. *Harrison* — The Petition of *John R. Forsyth* and others, the Committee of Management of the *Kingston Mechanics' Institute*.  
By Mr. *Price* — The Petition of *Benjamin Thorne*, and other Commissioners of the *Home District Turnpike Trust*.  
By Mr. *Cameron* — The Petition of the Reverend *Alexander Mann*, and others, Inhabitants of the Township of *Packenham*; — the Petition of *John Paris*, and others, Inhabitants of the Townships of *MacNab* and *Horton*; — and the Petition of *Allan Stewart*, and others, inhabitants of the Township of *MacNab*.  
By Mr. *Sherwood* — The Petition of *Paul Glassford*, and others, of the Town of *Brockville*.  
By Mr. *Johnston* — The Petition of *Samuel Rowlands*, of the Town of *Niagara*, Printer.
- B. Thorne and others, (Home D. Turnpike Trust.)  
Rev. A. Mann and others.  
J. Paris and others.  
A. Stuart and others.  
P. Glassford and others.  
S. Rowlands.
- Bill to facilitate claimants against the Government passed.  
An engrossed Bill to facilitate a legal remedy to persons having claims against Her Majesty's Provincial Government, was read for the third time.  
*Resolved* — That the Bill do pass.  
*Ordered* — That Mr. *Neilson* do carry the said Bill to the Legislative Council, and desire their concurrence.
- Beef and Pork inspection Bill read 3rd time.  
An engrossed Bill to regulate the Inspection of Beef and Pork, was read for the third time.  
Mr. *Duncomb* moved, seconded by Mr. *Child*,  
That the Bill do pass.

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The question having been put upon the said notion, a division ensued, and the names being called for they were taken down, as followeth : —

YEAS.			
<i>Aylwin,</i>	<i>Duncomb,</i>	<i>McDonald, (Pres.)</i>	<i>Smith, (Went.)</i>
<i>Baldwin,</i>	<i>Durand,</i>	<i>Merritt,</i>	<i>Sherwood,</i>
<i>Barthe,</i>	<i>Foster,</i>	<i>Neilson,</i>	<i>Steele,</i>
<i>Black,</i>	<i>Harrison, Hon. S.B.</i>	<i>Powell,</i>	<i>Thompson,</i>
<i>Buchanan,</i>	<i>Hopkins,</i>	<i>Price,</i>	<i>Viger, Hon. D.B.</i>
<i>Burnet,</i>	<i>McNab. Sir A. N.</i>	<i>Smith, (Fron.)</i>	<i>Woods. — 25.</i>
<i>Child,</i>			
NOES.			
<i>Cameron,</i>	<i>Cook,</i>	<i>Dunlop,</i>	<i>Johnston. — 5.</i>
<i>Chesley,</i>			

- Bill passed.  
So it was carried in the Affirmative, and —  
*Resolved* — Accordingly.  
*Ordered* — That the Honourable Mr. *Moffatt*, do carry the said Bill to the Legislative Council, and desire their concurrence.

Bill to naturalize L. Lyman, passed.

An engrossed Bill to secure to, and confer upon, *Lewis Lyman*, an inhabitant of this Province, the Civil and Political rights of a natural born *British Subject*, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Johnston*, do carry the said Bill to the Legislative Council, and desire their concurrence.

Bill to extend Penitentiary system to Canada E. read 3rd time.

An engrossed Bill to render the Penitentiary near *Kingston*, in the *Midland District*, the Provincial Penitentiary for *Canada*, was read for the third time.

Mr. *Thorburn* moved, seconded by Captain *Steele*,

That the following engrossed clause, marked A., be added to the said Bill, by way of ryder, and do follow the 4th clause :

#### CLAUSE A.

And be it enacted, that the Warden of the said Penitentiary shall be allowed the use of servants from among the Convicts confined in the said Penitentiary."

Lost.

The question having been put upon the said motion, a division ensued, and it passed in the Negative.

Bill passed.

*Resolved* — That the Bill do pass.

*Ordered* — That the Honourable Mr. *Daly*, do carry the said Bill to the Legislative Council, and desire their concurrence.

Petition read.

Pursuant to the Order of the day, the following Petitions were read :

Of W. Logie.

Of *William Logie*, and others, Inhabitants of *Kingston*, and its vicinity, praying that the Legislative Assembly will adopt such measures for the management of the Grammar Schools in this Province as shall command the confidence of all classes of the community.

Of W. Smart.

Of *William Smart*, and others, Inhabitants of the Town of *Brockville*, praying that the Legislative Assembly will adopt such measures for the management of the Grammar Schools in this Province, as shall command the confidence of all classes of the community.

Of A. Gale & others.

Of *A. Gale*, and others, Trustees of the *Gore District School*, praying that certain amendments may be made to the Act establishing District Schools, and to the Act, 2nd. VICTORIA, chapter 10, converting them into Grammar Schools.

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Of J. Covernton and others.

Of *James Covernton*, and others, Inhabitants of the District of *Talbot*, praying that duties may be imposed on produce from the *United States*.

Of J. Whitehead and others.

Of *J. Whitehead*, and others, Inhabitants of the county of *Oxford*, praying that certain measures may be adopted, to secure the agricultural and Commercial Interests of this Province.

Of J. Brady & others.

Of *James Brady*, and others, Inhabitants of the County of *Drummond*, praying that the Legislature will grant a sum of money for the erection of a Bridge across the River *St. Francis*.

Of Board of Trade of Toronto (Bank of Issue.)

Of the Board of Trade of *Toronto*, praying that the Bill for the establishment of a Bank of issue may not receive the sanction of the House.

Of Directors of Toronto & Lake Huron Rail Road Co.

Of the directors of the *Toronto and Lake Huron Rail Road Company*, praying that the Legislature will allow them to make a planked road on the same terms as the Rail Road.

Com. on Common School Bill report Bill as amended.

The Honourable Mr. *Day*, from the Select Committee to which was referred the Bill to repeal certain Acts therein mentioned, and to make provision for the establishment and maintenance of Common Schools throughout this Province, and other references, reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's Table.



Bill referred to  
Com. of whole on  
Thursday.

Committee on Report  
of Commissioners on  
late Kingston Bank,  
present Report and  
Bill.

Report.

*Ordered* — That the said Bill and Report be referred to a Committee of the whole House on *Thursday* next.

Mr. *Price*, from the Select Committee to which was referred the Report of the Commissioners appointed by the Provincial Statute of the 10th GEO. the Fourth, intitled "*An Act for setting the affairs of the late Bank at Kingston,*" with power to report by Bill or otherwise, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

That the affairs of the Bank were originally, by an Act of the Provincial Parliament of *Upper Canada*, passed on the 19th day of *March*, in the year 1823, 4 GEO. 4th, (Session I,) Chapter 22, placed in the hands of the Honourable *George Herchimer Markland*, *John Kirby* and *John Macaulay*, Esquire, as Commissioners and Trustees, under the style of "the Board for settling the affairs of the pretended Bank of *Upper Canada*, lately established at *Kingston*, in this Province ;" and in this Board was vested all the estate, both real and personal, bonds, bills, notes and other securities, and stock rights, credits and effects of the said Institution, with power to sue, sell and dispose of all such lands, tenements, hereditaments, goods, chattels, or effects, as might come into their hands by virtue of that Act, and to apply them, after paying the expenses of carrying the Act into effect, in discharge of certain certificates which were to be given by the said Board, to persons substantiating claims upon the said Institution. That further provision was made in respect of the said Institution, by the *Upper Canada Acts of Parliament of 4th GEO. 4, (Session 2,) Chapter 21 — 9 GEO. 4th, Chapter 11 — 10 GEO. 4th, Chap 7 & 6 — WIL. 4th, Chap. 22.*

By the Act 10 *Geo. 4th, Chapter 7*, the former Commissioners and Trustees having resigned, the late *Hugh C. Thompson*, the late *John Strange*, and *Henry Smith*, Esquires, were appointed Commissioners for the purpose of settling the affairs of the said Institution, with provision to appoint new Commissioners to supply vacancies, within one week after they should occur. That after several changes in the Commissioners, by death, removal from the District, resignation, and the omission to appoint new Commissioners within the time prescribed by the said Act, the Board had been reduced to but one Commissioner, *Thomas McNider*, Esquire — in consequence of which, the whole proceedings have been suspended.

That this has, in a great measure, arisen from the difficulty of finding gentlemen willing to undertake the responsibility of acting as Com-

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Report.

missioners ; but Your Committee are happy in being able to report, that two gentlemen, residing in the Town of *Kingston*, and every day qualified for the duty, have been, at length, induced to consent to act, viz : *James Nichols*, Esquire, Barrister at Law, and Clerk of the Peace of the *Midland District*, and *George Alexander Cumming*, Esquire, Barrister at Law ; and Your Committee therefore recommend the appointment of these gentlemen, with the remaining Commissioner, *Thomas McNider*, Esquire, to make a final close of the affairs of the said Institution.

Your Committee are unwilling to say any thing upon the subject of the past management of the affairs of the Institution, but recommend that the Commissioners to be now appointed should be required, within twelve months, to make a full report on its affairs, to His Excellency, the Governor General, with a view to have the same laid before both Houses of Parliament.

It appears that an unsatisfied claim exists, on the part of the Clerk of the said Board, for services performed and moneys expended, in the performance of his duties. — Your Committee therefore recommend that a similar provision should be made for the discharge of this, as

was made by the *Upper Canada* Legislature, by the Act 10th GEO. 4th, Chap. 7 in respect of the agent appointed under the authority of the then late Directors to the said Bank.

Your Committee have prepared a Bill for these purposes, which they also recommend to the adoption of Your Honourable House."

Bill to appoint additional Commissioners on late Kingston Bank, brought in.

Mr. Price then presented to the House, a Bill to appoint additional Commissioners to settle the affairs of the late pretended Bank of *Upper Canada*, at *Kingston*, which was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Wednesday* next.

100 copies of Address for pardon of political offences with answer, to be printed in French and English.

Captain *Steele* moved, seconded by Mr. *Neilson*, that 100 Copies of the Address of this House, to His Excellency, the Governor General, on the subject of a pardon and amnesty for political offences, with His Excellency's answer thereto, be printed in each of the *English* and *French* languages, for the use of the Members of this House.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative.

*Ordered* accordingly.

On motion of Mr. *Dunlop*, seconded by Mr. *Aylwin*,

Journals of Assembly of U.C., read, on Petition of A. Manahan.

*Ordered* — That the proceedings of the last session of the Parliament of *Upper Canada*, relative to the Petition of *Anthony Manahan*, Esquire, be now read.

The said proceedings were read accordingly.

Address of Assembly on that subject referred to Sel. Com.

*Resolved* — That the Address passed by the late House of Assembly of *Upper Canada*, in favor of *Anthony Manahan*, Esquire, be referred to a Committee of three Members, to report thereon with all convenient speed; with power to send for persons, papers, and records.

*Ordered* — That Mr. *Dunlop*, Mr. *Thorburn*, and Mr. *Cook*, do compose the said Committee.

On motion of Mr. *Duncomb*, seconded by Mr. *Prince*,

Deposit on Bill to allow N. Am. Asso. of Ireland to loan moneys to be refunded.

*Ordered* — That the £20, deposited (in accordance with the Rule of this House, since rescinded) on account of the Bill to authorize the *North American Colonial Association of Ireland* to loan moneys in the County of *Beauharnois*, be refunded to the Petitioners.

Leave of absence to Mr. *Boswell*.

*Ordered* — That Mr. *Boswell* have leave to absent himself from the House, until the 27th Instant.

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On motion of Mr. *Black*, seconded by Mr. *Neilson*,

House in Com. on repealing Ordinance to prevent persons leaving the province without a pass.

*Resolved* — That this House do now resolve itself into a Committee of the whole House, to consider the expediency of repealing an Ordinance passed by the Governor and Council of the Province of *Quebec*, in the 17th year of the Reign of His late Majesty King GEORGE the Third, intituled "*An Ordinance for preventing persons leaving the Province without a pass.*"

The House accordingly resolved itself into the said Committee.

Mr. *Child* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Resolution reported.

And Mr. *Child* reported that the Committee had come to Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth :

Resolution.

*Resolved* — That it is expedient to repeal an Ordinance passed by the Governor and Council of the Province of *Quebec* intituled "*An Ordinance for preventing persons leaving the Province without a pass.*"

Bill to repeal above  
named Ordinance,  
brought in.

*Ordered* — That Mr. *Black* have leave to bring in a Bill, to repeal an Ordinance passed by the Governor and Council of *Quebec*, in the 17th year of the Reign of His late Majesty King GEORGE the Third, for preventing persons leaving the Province without a pass.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

*Ordered* — That the said Bill be read a second time to-morrow.

Motion for Address to  
His Excellency to  
appoint a comptroller  
of Customs.

The Honourable Mr. *Harrison* moved, seconded by Mr. *Dunscomb*,

That it is the opinion of this House that it is expedient that a more strict surveillance, over all Collectors and Receivers of the Revenue, should be exercised, than now exists, and that this House should humbly address His Excellency, the Governor General, to appoint a Comptroller of Customs, under the Great Seal of the Province, for that purpose, whose duty it shall be, among other things, to visit all Receivers of public money, and to examine into the way and manner in which their accounts, vouchers, and books, are kept, as well as the form of the returns made; and that such Comptroller shall have authority to give such instructions and directions, in relation to the keeping all such books and accounts, vouchers or returns, as shall be necessary, in the Judgment of such Comptroller, to be kept and made; with power to suspend for the time being, any officer who may not be acting in accordance to any instruction which it may be found necessary to give to such officers; assuring His Excellency that this House will make provision for such Comptroller.<sup>1</sup>

Mr. *Harrison* stated, that in consequence of several members of the House having expressed their opinions that the revenue was annually defrauded of many thousand pounds owing to the inefficiency of the Collectors or to their collusion with the Importers, he had taken this measure out of the hands of Mr. *Thorburn* who was about moving it, and had brought it in as an officer of Government.<sup>2</sup>

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Amendment moved to  
appoint a Com. on  
collections of  
Customs.

Mr. *Aylwin* moved in amendment, seconded by Mr. *Buchanan*,

That all the words after "That" in the said motion be struck out, and the following substituted: "A Committee of seven members be appointed, to inquire into the manner according to which the Customs are collected in that part of this Province heretofore *Upper Canada*, by the Provincial Collectors, and also the manner according to which the monies collected are accounted for by the Collectors; and also to inquire into any abuses in the collecting and accounting for the Customs — to report thereon with all convenient speed; with power to send for persons, papers and records.

Mr. *Buchanan* seconded the motion in the hope of suppressing a system of smuggling that prevailed; so injurious to the fair trader. The hon. member affirmed that all the goods imported from the States into Toronto were entered at the ports of Bath and Niagara.<sup>3</sup>

Dr. *Dunlop* supported the amendment, saying that according to the present system either a bribe was held out to the Collector of one Port not to be too strict, or to the same officer at another to shut his eyes.<sup>4</sup>

Mr. *Holmes* strenuously urged upon the House the adoption of measures calculated to secure to the revenues of the Province the duties upon goods imported from the United States which if honestly and efficiently enforced would, he was satisfied, add at least £10,000 per annum to the provincial funds. It was notorious that in no department under the government was there so great a need for examination into the duties of the office as that of Collector of Customs. With upwards of 40 Customs houses spread along the great lakes accessible at every point to a nation of smugglers, those Customs houses were without surveillance — was it surprising that neglect and speculation existed. Until he came here he had not the most distant idea of the universality of the complaint. Why then not rectify at once the difficulty by appointing a Supervisor of Customs or a Comptroller, whose duty would be to travel round



and visit those Collectors; compel them to keep and to exhibit their books and accounts — and not do as they now did. When quarter-day arrived, which, as he was most credibly informed, the system was, not to call upon the Merchants and shop keepers for payment of their bonds, but to ask them how much they were willing to pay for the goods they had imported — it was left for them to say — and it was easy to understand how easy the Custom House Officer was likely to deal with his friends & neighbors; with one with whom he dealt for his tea & sugar, with another for his whiskey, tobacco and cigars. The present system was ruinous to the revenue, and disgraceful to those whose duty it was to collect it — a system of neglect connivance and fraud, which nothing would check but the appointment by the government of a capable, vigilant, and well qualified inspector or Comptroller of the Customs, with a salary adequate to the importance of the office, which instead of being an additional burden to the country, would secure to it ten times, the amount of the emolument attached to the Office.<sup>5</sup>

**Mr. Baldwin** was desirous that the Inspector of Customs should act as Comptroller, that the Government might not be allowed any additional patronage by such an appointment.<sup>6</sup>

((Mr.)) **Dunscomb** ... spoke in favour of the proposition...<sup>7</sup>

**Mr. Thorburn** remarked that it was a most extraordinary thing that goods for Toronto should be entered at Niagara. He was not desirous that the government should enjoy a *profligate* patronage, but this he considered so far from being a profligate, would be a profitable influence. If nothing further was done on the subject, he felt convinced that even the present debate would have a wholesome effect.<sup>8</sup>

((Mr.)) **Morris** ... spoke in favour of the proposition...<sup>9</sup>

**Mr. Cameron** — said he had at the early part of the session, on two occasions, stated that the whole scale of the custom law and regulations was bad — that the system of collecting was loose and irresponsible — and that if well managed and proper checks were established, he had no doubt the amount collected would be doubled.<sup>10</sup> He was ready to allow that many of the Collectors were men who acted both conscientiously and with integrity; at the same time facts sufficiently proved that there were many who did quite the reverse, or else they were guilty of extreme negligence.<sup>11</sup> The hon. gentleman from Lincoln had said all you had to do was to put up a list every three months of the names of the persons that entered the goods, and the description of the goods, and that would do it — those who were not mentioned in the list would rectify it. Now, this was absurd. What was principally complained of was collusion between the merchant and Collector or his deputy, and surely those who were favored would not complain. There had often been such things as finding it cheaper to pay a tide waiter than pay the duties. The mystery about salt and other goods for Toronto being entered at Bath or Niagara was very simple. The duty on Salt was 2s. 6d. per barrel, half of which goes to the collector. The owner of the salt says to the collector at Bath, if you will remit me one half of your share of duties I will enter it with you — if you do not you will get nothing, as I shall enter it at home. Of course, it is the interest of the Collector to accede in this case — however, the revenue does not suffer — the only sufferer is the collector at the proper port. But the frauds are in false invoices — in misrepresentation of weight; and even of the contents of packages. 50 boxes of German toys have been entered at once, which censorious people thought a large quantity, and suspected that tea made up part of the contents. There was no possibility of finding out whether the Collector reported to Government all the goods he was paid for — and this was a very important point. One man should make the entries and give permits, another receive the money, and so check his account. The hon. gentleman from Hastings said he hoped he (Mr. C.) would not find it difficult to stretch the conscience to vote against the proposition. He (Mr. C.) would vote for it, and at the same time tell that hon. gentleman that his conscience was never so tied either to Government or Party that *he would be found voting against principles he had advocated out of doors for years — nor to serve party would he be found sacrificing the interests of his constituents by voting in direct opposition to their wishes and hopes.* (Hear ! hear ! )<sup>12</sup>

**Mr. Holmes** hoped the resolution would prevail, and he felt assured that it was not with a view to augmenting the patronage of the Government, that any member of that House would vote for the appointment of an Inspector of Customs. It was idle to talk of the Inspector General doing the duty; — could that officer find time to be travelling from Cornwall to Port Sarnia, examining collectors of Customs. Could he find time to inspect their books, if

perchance any had books ; or if they had, were they such as could be examined ? No. It was notorious that in three cases out of four no books whatever were kept. Hon. members had got up in their places in this House, and stated positively the conduct of the Collectors of Customs in certain places that had been mentioned were most disreputable, so much so indeed that the hon. member for Toronto had said that he must either abandon his business or become ((a)) smuggler, unless measures were adopted to enforce the Revenue Laws, and to protect the honest trader. Talk then of the expense of an appointment — the additional patronage of the government. Are we to be told it is better to lose £10,000 per annum than to pay £1000 to a Comptroller of Customs ? It is too absurd an argument. And the hon. member for Hastings may well have smiled when he advanced for a reason why he would not vote for the resolution on the table, his disinclination to increase the patronage of the government. Some members talked of Government influence — of the numbers of expectants in this House, and out of the House — gaping for appointments. One would rather suppose that some dread existed in the minds of some hon. members, that the appointment of an efficient Inspector of Custom Houses would interfere with the revenues of certain collectors, than with the Province revenue, which it would increase. He trusted that the resolution would be at all events sent to a Select Committee, with instructions to report without delay, that the acknowledged abuses of the present system may be at once corrected, and the resources to which the Province was entitled made available to the country.<sup>13</sup>

**Mr. Aylwin** said the objection with respect of the Comptrollers might be got rid of, if the member for Kingston would recommend to His Excellency the appointment of an efficient person *pro tempore* to exact from all collectors a strict discharge of their duties.<sup>14</sup>

**Mr. Harrison** said that the Inspector General of Customs was so occupied, as not to be able to give the surveillance which was necessary, which could be only obtained by having a competent person employed to visit the different ports and ascertain practically what goods were or were not admitted ; if requisite means were adopted, he had no doubt that our revenue would be doubled. If agreeable to the house, he was perfectly willing to adopt the suggestion.<sup>15</sup>

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Amendment carried.

The question being then put upon the motion of amendment, it was agreed to by the House.

Main motion as amended carried.

The question being then put upon the main motion, as amended, it was also agreed to, and —  
*Resolved* accordingly.

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Members of the Committee.

*Ordered* — That Mr. Aylwin, Mr. Thorburn, Mr. Neilson, Mr. Morris, Mr. Hincks, Mr. Chesley, and Mr. Price do compose the said Committee.

Bill to extend time for completion of Port Dover Harbour brought in.

*Ordered* — That Mr. Powell have leave to bring in a Bill to extend the time limited by law for the construction and completion of the Port Dover Harbour.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time on *Wednesday* next.

Deposits on private Bills to be returned.

On motion of Mr. Holmes, seconded by Mr. Cameron,  
*Ordered* — That the Clerk of this House be instructed to return to all applicants, the fee of £20, deposited by them during this Session, upon the introduction of private Bills.

Instructions to Com. on contingencies respecting emoluments of Clerk of House in L. Canada.

On motion of Mr. Morin, seconded by Mr. Raymond,  
*Ordered* — That it be an instruction to the Special Committee on the contingent accounts and expenses of the present Session, to take into consideration the amount of salary, allowances and perquisites, enjoyed by the Clerk of this House when in office in the late Province of *Lower Canada*, as Clerk to the House of Assembly, and Clerk to the Special Council of that Province.

Amendments of Leg.  
Council to Toronto  
Gas and Water Co.  
Bill taken up.

On motion of Mr. *Holmes*, seconded by Mr. *Buchanan*,

*Ordered* — That the amendments made by the Legislative Council to the Bill intituled "*An Act to incorporate a Company under the style 'and title of 'The City of Toronto Gas Light and Water Company'*," be now taken into consideration.

The House proceeded, accordingly, to take the said amendments into consideration,

Amendments.

And the said amendments were read, and are as followeth : —

Press 1, Line 15 — After "Company" insert the following proviso : — Provided always, that the said lands, tenements and hereditaments, to be holden by the said Corporation, shall be held for the purposes and business of the said Gas Light and Water Company, in constructing their necessary works, and for no other purposes whatsoever ; and shall not exceed at any time the yearly value of £1000, currency.

Press 2, Line 23 — After "Election" insert "at their first meeting, choose out of their number a President and Vice President, who shall hold their offices respectively during the same period for which the said Directors shall have been elected as aforesaid, and shall thereupon."

Press 2, Line 40 — After "Proprietors," insert "and such Directors, subsequently elected or remaining in office, shall, at their first meeting after such election, or the period named in this Act for holding such annual meeting, shall choose out of their number a President and Vice President, who shall hold their offices respectively for the then ensuing twelve months, or until such subsequent election at a future meeting of the said Shareholders or Proprietors, as the case may be, and it shall be lawful for the said Directors, from time to time, in case of death, resignation, absence from the Province, or removal, of the persons so chosen to be President or Vice President, or Director, or either of them, to choose, in their or his stead, from among them, the said Directors, another person or persons to be President or Vice President, or from among the other shareholders or proprietors, another person or persons to be Director or Directors, respectively, to continue in office until the next annual meeting as aforesaid."

Press 3, Line 26 — After "Corporation" insert "after three days notice in writing to the Chamberlain of the said City of *Toronto*."

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Amendments to  
Toronto Gas and  
Water Company Bill.

Press 3, Line 33 — Leave out from "Provided" to "Toronto" in the Forty-fifth line, inclusive, and insert "doing no unnecessary damage in the premises, and taking care, as far as may be, to preserve a free and uninterrupted passage through the said streets, squares, and public places, while the work is in progress, and making such openings in such parts of the said streets, squares, and public places, as the City Inspector under the direction of the Common Council of the said City, shall reasonably permit and require ; also placing guards or fences, with lamps, and providing watchmen during the night, and taking all other necessary precautions for the prevention of accidents to passengers and others, which may be occasioned by such openings ; also finishing the work, and replacing the said streets, squares, and public places, in as good a condition as before the commencement of the work, without any unnecessary delay ; and in case of the neglect of any of the duties herein provided as aforesaid, the said corporation shall be subject to pay a fine of five pounds, currency, for every day such neglect shall continue, to be recovered by information in Her Majesty's Court of Queen's Bench, on behalf of Her Majesty, Her Heirs and Successors, for the public uses of the Province, over and above such damages as may be recovered in any civil action."

Press 3, Line 44 — After the 8th Clause, insert, in addition, Clauses A and B.



## CLAUSE A.

"And be it further enacted, that in case the said Corporation shall open or break up any street, square, or public place, in the said City, and shall neglect to keep the passage of the said street, square, or public place, as far as may be, free and uninterrupted, or to place guards or fences, with lamps, or to place watchmen, or to take any necessary precaution for the prevention of accidents to passengers and others, or to close and replace the said streets, squares, or public places, without unnecessary delay, as hereinbefore provided, the City Inspector, under the direction of the Common Council of the said City, shall cause the duty, so neglected, to be forthwith performed, and the expense thereof shall be defrayed by the said Corporation, on demand of the City Inspector from the Cashier or Treasurer, or any Director of the said Corporation, or in default of such payment the amount of the said claim shall and may be recovered from the said Corporation, at the suit of the Mayor, Aldermen, and Commonalty, of the said City, in an action of debt in any Court of competent jurisdiction."

## CLAUSE B.

"And be it enacted, that the said Corporation shall be held and obliged to make, erect, construct, repair, and keep in good order, at their own charges and expence, in such parts of the City of *Toronto* as may be fixed upon by the Common Council thereof, such number of good and sufficient fire plugs, not exceeding twenty, as may, by the said Common Council, be found necessary for the purposes of supplying fire engines, and of giving such other assistance as may be useful and necessary for extinguishing fires and preventing the communication thereof. Provided always, that the said Corporation shall not be compelled to make, erect, or construct, any fire plugs as aforementioned, in any part of the City of *Toronto*, where they have not made or constructed pipes for conveying water."

Press. 4, Line 6 — Leave out "to" and insert "may".

Press. 4, Line 6 — Leave out "with costs."

Press. 4, Line 11 — After "damage" insert "injure, put out of order."

Press. 4, Line 11 — After "mainpipes" insert "engines, waterhouse,

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pipe, plug, or other work or apparatus, appurtenances or appendages thereof, or any matter or thing already made and provided, or which shall be made and provided, for the purposes aforesaid, or any of the materials used and provided for the same, or."

Press. 4, Line 13 — After the first "or" insert "shall in anywise wilfully do any other injury or damage for the purpose of obstructing, hindering, or embarrassing, the construction, completion, maintaining, or repairing of the said works, or shall cause or procure the same to be done, or who shall bathe, or wash, or who shall cleanse any cloth, wool, leather skins, animals, or any noisome or offensive thing, or cast, throw, or put any filth, dirt, or any noisome or offensive thing, or cause, permit, or suffer, the water of any sink, sewer, or drain, to run or be conveyed into, or cause any other annoyance to be done, to the water within any Reservoirs, Cisterns, Ponds, Sources, or Fountains, from which the water to supply the said City is to be conveyed, or shall."

Press 4, Line 19 — After "misdemeanor" insert "and on conviction thereof, the Court before whom such person shall be tried and convicted, shall have power and authority to condemn such person to pay a penalty not exceeding ten pounds, currency, or to be confined in the common Gaol of the District for a space of time not exceeding three months, as to such Court may seem meet."

Press 4, Line 21 — Leave out all the words from "shall" to "whatever" in the 22nd line, inclusively, and insert "contained shall extend or be construed to extend, to prevent any person or persons, body

politic or corporate, from constructing any works for the supply of Water or Gas to his or to their own premises, or to prevent the Legislature of this Province, at any time hereafter, altering, modifying, or repealing, the powers, privileges, or authorities, hereinbefore granted to the said Corporation.

Press 4, Line 26 — After the 12th Clause of the Bill, insert additional Clauses C. and D.

#### CLAUSE C.

"And be it enacted, that the penalties by this Act imposed, appertaining to Her Majesty, Her Heirs and Successors, shall be reserved for the public uses of the Province, and for the support of the Government thereof, and the due application of the same shall be accounted for to Her Majesty, Her Heirs, and Successors, through the Lord Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs, and Successors, shall be pleased to direct."

#### CLAUSE D.

"And be it enacted, that nothing herein contained shall affect, or be construed to affect, in any measure or way whatsoever, the rights of Her Majesty, Her Heirs, and Successors, or of any person or persons, or of any bodies politic, corporate or collegiate, such only excepted as are herein mentioned."

Engrossed amendments.

JAMES FITZGIBBON,  
Clerk Leg. Council.

Amendments  
agreed to.

And the said amendments being again read, they were agreed to by the House.

*Ordered* — That Mr. *Holmes*, do carry back the said Bill to the Legislative Council, and acquaint their Honors that this House hath agreed to their amendments.

Chairman of Com.  
of whole on taxing  
imported produce  
reports Resolution.

Mr. *Turcotte*, from the Committee of the whole House to consider the expediency of imposing a duty on agricultural and other produce,

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and also on live Stock, imported into this Country from the *United States of America*, reported, according to Order; the Resolution of the said Committee, which Resolution was again read at the Clerk's Table, as followeth: —

Resolution.

*Resolved* — That it is the opinion of this Committee that it is expedient to impose a duty on agricultural Produce, and live and dead stock, imported into this Province from the *United States of America*, for home consumption.

Motion to concur  
in Resolution.

Mr. *Prince* moved, seconded by Mr. *Roblin*,

That this House doth concur with the Committee in the said Resolution.

The question having been put upon the said motion, a division ensued, and the names being called for they were taken down, as followeth: —

#### YEAS.

<i>Baldwin,</i>	<i>Gilchrist,</i>	<i>Powell,</i>	<i>Steele,</i>
<i>Buchanan,</i>	<i>Hincks,</i>	<i>Price,</i>	<i>Thompson,</i>
<i>Cameron,</i>	<i>Hopkins,</i>	<i>Prince,</i>	<i>Thorburn,</i>
<i>Chesley,</i>	<i>Johnston,</i>	<i>Robertson,</i>	<i>Watts,</i>
<i>Cook,</i>	<i>McLean,</i>	<i>Roblin,</i>	<i>Williams,</i>
<i>De Salaberry,</i>	<i>Merritt,</i>	<i>Small,</i>	<i>Woods,</i>
<i>Dunlop,</i>	<i>Morris,</i>	<i>Smith, (Went.)</i>	<i>Yule. — 30.</i>
<i>Durand,</i>	<i>Parke,</i>		

## NOES.

<i>Aylwin,</i>	<i>Day, Hon. C.D.</i>	<i>Kimber,</i>	<i>Parent,</i>
<i>Barthe,</i>	<i>Draper, Hon. W.H.</i>	<i>McDonald, (Pres.)</i>	<i>Quesnel,</i>
<i>Black,</i>	<i>Foster,</i>	<i>Moffatt, Hon. G.</i>	<i>Raymond,</i>
<i>Burnet,</i>	<i>Harrison, Hon. S.B.</i>	<i>Morin,</i>	<i>Sherwood,</i>
<i>Child,</i>	<i>Holmes,</i>	<i>Neilson,</i>	<i>Turcotte,</i>
<i>Christie,</i>	<i>Killaly, Hon. H.H.</i>	<i>Ogden, Hon. C.R.</i>	<i>Viger, Hon. D.B.</i>

(24).

Motion carried.

So it was carried in the Affirmative, and —

*Resolved* — That this House doth concur with the Committee in the said Resolution.<sup>16</sup>

Mr. *Prince* moved, seconded by Mr. *Roblin*,

Motion for leave to bring in Bill to tax imports.

For leave to bring in a Bill for imposing duties on agricultural and other produce and stock, imported into this Country from the *United States of America*.

The House divided on the motion.

Yeas, 30.

Noes, 24.

And the names being called for, they were taken down, as in the last preceding division.

Carried.

So it was carried in the Affirmative, and —

Bill brought in.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time on *Friday* next.

Chairman of Com. of whole on Pub. Improvements reports Resolutions.

Mr. *Durand*, from the Committee of the whole House to take into consideration the Message of His Excellency, the Governor General, relative to Public Improvements, together with the documents accompanying the same, and other references, reported, according to order, the Resolutions of the said Committee, which Resolutions were again read at the Clerk's Table, and are as followeth :—

1st. Resolution :  
£1,500,000 st'g to be raised by loan.

*Resolved* — That with a view to reduce the interest on the existing Public Debt of *Canada*, it is desirable, that the sum of £1,500,000,

(500)

Sterling money of *Great Britain*, should be raised, by Loan, on the best terms that can be obtained, under the guarantee proposed and offered in the Despatch of the Right Honourable the Secretary of State for the Colonies, dated the 3rd day of *May*, last past — The proceeds of such Loan to be applied, in the first place, to liquidate and pay off the Public Debt by purchasing the Debentures now in circulation, at such times, and in such manner, as shall be most favourable to the interests of this Province.

2nd Resolution :  
Further Revenue by altering Custom Duties.

*Resolved* — That such further Revenue as may be required to afford a security sufficient for borrowing the necessary sums, to complete the Public Works so to be undertaken, should be raised by an alteration of the Duties of Customs imposed on various articles imported into this Province.

3rd Resolution :  
Grants to various Public Works, (Class 1.)

*Resolved* — That the following Public Works in this Province should be undertaken and completed under the superintendence of the Board of Works, and that the sums severally mentioned should be granted to Her Majesty for that purpose —

## CLASS ONE.

The Welland Canal, .....	£450,000
And for the purpose of completing the free passage between the <i>Western</i> portion of the Province, the <i>St. Lawrence</i> , and the Sea, a sum of, .....	315,070



In which is included the estimates to Lake *St. Louis*, with a view of obtaining a Slack-Water Navigation from *Montreal* to *Kingston*.

The River <i>Richelieu</i> , .....	21,000
The River <i>Ottawa</i> , .....	28,000
The <i>Burlington Bay Canal</i> , .....	45,000
The Internal waters of the <i>Newcastle District</i> , ..	50,000
The Harbours and Light Houses, and the Roads leading thereto, .....	74,000

4th Resolution :  
Tax of 1 per cent per annum on Banks' circulation.

*Resolved* — That it is expedient, in Order to aid the Revenue of this Province, and to afford the security necessary for attaining a portion of the money required to be raised for completing the Public Works, brought under the consideration of the Legislature by the Message from His Excellency, the Governor General, that a Tax of one per cent per annum should be imposed on the average amount of the circulation of all banking institutions in this Province.

5th Resolution :  
Tax upon Distilleries.

*Resolved* — That it is expedient, with a view to provide the further necessary revenue for the purposes aforesaid, to lay a Tax upon Distilleries in that part of the Province heretofore *Lower Canada*.

6th Resolution :  
Tax on sales by Auction.

*Resolved* — That it is expedient, with a view to provide the further necessary Revenue for the purposes aforesaid, to lay a Tax upon sales by Auction throughout the Province.

7th Resolution :  
Grants to public works (Class 2.)

*Resolved* — That the following sums be severally granted to Her Majesty : —

#### CLASS TWO.

For Bay of <i>Chaleurs Road</i> , .....	£ 15,000
<i>Gosford, Road</i> , .....	10,000
Main <i>Northern Road</i> , .....	30,000
Main Province Road, from <i>Quebec</i> to <i>Amherstburg</i> and <i>Port Sarnia</i> , certain portions thereof, viz : —	
<i>Cascades</i> to <i>Côteau du Lac</i> , .....	15,000
<i>Brantford</i> to <i>London</i> , .....	55,000
Thence to <i>Port Sarnia</i> , .....	15,000
<i>London</i> to <i>Chatham, Sandwich</i> and <i>Amherstburg</i> , .....	36,000

And that the Government of this Province be authorized to raise,

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on the credit of the consolidated Revenue Fund of *Canada*, the necessary sums of money, at the lowest possible rate of interest.

8th Resolution :  
£34,000—Bridges between *Quebec* and *Montreal*.

*Resolved* — That there be granted to Her Majesty a sum not exceeding the sum of £34,000, for the building of Bridges over the large Rivers between *Quebec* and *Montreal*, the crossing of which, at certain seasons, is very dangerous and attended, occasionally, with loss of life.

9th Resolution :  
£58,500—Lake *St. Peter*.

*Resolved* — That a sum of £58,500 be granted to Her Majesty, for the improvement of the navigation of the Lake *St. Peter*.

10th Resolution :  
£376,612—*St. Lawrence Navigation*.

*Resolved* — That a sum of £376,612, be granted to Her Majesty, for completing the *Saint Lawrence Navigation*.

The Honourable Mr. *Harrison* moved, seconded by Mr. Solicitor General *Day*,

Motion for question of concurrence.

That the question of concurrence be now separately put upon the said Resolutions.

Amendment moved to re-commit report.

Mr. *Hincks* moved, in amendment, seconded by Mr. *Buchanan*,

That all the words after "That", in the said motion, be struck out, and the following substituted; "the said Report be now recommitted, to "a Committee of the whole House."

In making the motion Mr. *Hincks* stated that his object was to move a resolution granting the sum of £109,355 to complete the several macadamized or planked roads already commenced on the faith of the Province, and for which the Districts were responsible. Mr. *Hincks*

referred particularly to the road between Hamilton and Brantford, Yonge Street and the roads East and West of Toronto.<sup>17</sup>

**Mr. Price** moved an amendment (so it was understood) that the works in Class 3, be included in Class 2. With reference to a particular road, the hon. member informed the house that when travelling upon it, on a certain occasion, the party with him had been obliged in one part of it, to be lowered by ropes to the depth of 20 feet. He deprecated any partial mode of legislation that would give to one part of the Province a share of the revenue for local improvements and at the same time, withhold it from another, expressing his determination if this was carried out, to oppose the whole measure.<sup>18</sup>

**Capt. Steele** said that as the roads were at present, had he occasion at a particular season of the year to go to Toronto, he would be obliged to wade through a complete sea of mud.<sup>19</sup>

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Amendment carried.

The question having been put upon the motion of amendment, a division ensued, and it was carried in the affirmative.

The question being then put on the main motion, as amended, it was agreed to.

House goes into  
Com. on report.

And the House accordingly resolved itself into the said Committee.

*Mr. Parent* took the chair of the Committee,

**Mr. Hincks** moved — Resolved, that a sum of £109,355 be granted for the following roads : — Kingston and Napanee ; and Grimsby and \_\_\_\_\_ ; Toronto North, East, and West ; Brantford and Hamilton ; Dundas and Waterloo.<sup>20</sup>

**Mr. Merritt** said that he thought that the vote of the house would have been for the works which had been already begun.<sup>21</sup>

**Mr. Baldwin** was of opinion (sic) that we had already voted away money as if it was to be had for the asking, and expressed his determination under the present aspect of unlimited expenditure to oppose all, being of opinion that the British nation would not be found weak enough to accede to our demands.<sup>22</sup>

**Mr. Draper** also opposed *Mr. Hincks* showing from the Statute Book that the sum of £100,000 was authorized to be raised by debentures for the roads under discussion.<sup>23</sup>

The debate was prolonged for some time after this.<sup>24</sup>

**Mr. Harrison** ((said)) that although the resolutions was not included in the original ones, yet if it was a pleasure of the house to adopt it, he had no objection.<sup>25</sup>

**Mr. Dunn** supported the resolution, trusting that the grant solicited would not be refused, the macadamized roads having paid what had been expended on them.<sup>26</sup>

*Mr. Price's* amendment was then negatived.<sup>27</sup>

*Mr. Hincks* resolution was then put, that the sum of £109,355 be granted for the completion of the roads (before mentioned) commenced under an act of the legislature ; to be insured by tolls and direct taxation to be imposed upon the particular districts through which they passed. A division took place — the motion passing in the affirmative — Yeas 32 — Nays 29.<sup>28</sup>

**Mr. Merritt** then moved — Resolved, that with reference to the St. Lawrence Canal, the duties to be imposed on certain articles cease, when the net increase of tolls should meet the interest, with a surplus of £10,000 gradually to pay off the principal.<sup>29</sup>

This ((was)) ... carried....<sup>30</sup>

**Sir A. MacNab** remarked that it would have the effect of defeating the whole measure.<sup>31</sup>

Some discussion thereon arose....<sup>32</sup>

**Mr. Harrison** ((confirmed)) ... the gallant Knight's opinion....<sup>33</sup>

The resolution was recommitted....<sup>34</sup>

**Mr. Merritt** and those who had supported it ((yielded)) ... to the suggestions which had been thrown out....<sup>35</sup>

((The resolution)) fell to the ground.<sup>36</sup>

**Mr. Harrison** then moved that the committee rise and report.<sup>37</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair,

Additional resolution  
reported.

And Mr. *Parent* reported that the Committee, had come to an additional Resolution, which he was directed to report to the House whenever it shall be pleased to receive the same : and also that he was directed by the Committee to move for leave to sit again.

Mr. Speaker ((**Cuvillier**)) ... informed the house that a fresh grant of money having been entertained, according to parliamentary usage, the report of the committee on the previous resolutions could not be received.<sup>38</sup>

In accordance with this nothing further could be done but to grant leave to the committee to sit again — to-morrow was then fixed upon.<sup>39</sup>

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*Ordered* — That the Report be received to-morrow.

Sit again  
to-morrow.

*Ordered* — That the said Committee have leave to sit again to-morrow.

Message from Leg.  
Council.

A Message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery.

**MR. SPEAKER,**

Bills passed Legis.  
Council.

The Legislative Council have passed the following Bills, without any amendment : —

Sydenham Road Co.  
Bill.

"*An Act to establish a Company, by the name of 'The Sydenham Mountain Road Company',*"

Bill to allow N. Am.  
Col. Asso. of Ireland  
to loan moneys.

"*An Act to authorize the North American Colonial Association of Ireland to loan Monies in the County of Beauharnois.*"

Bill to confirm an  
arrangement of Gore  
& Wellington Dist.

"*An Act to confirm a certain arrangement entered into by the Magistrates of the Districts of Gore and Wellington.*"

Bill for French trans-  
lation of the Laws.

"*An Act to provide for the translation, into the French language, of the Laws of this Province, and for other purposes connected therewith.*"

Dundas street and  
Humber Road Bill.

"*An Act to incorporate certain persons therein mentioned for the purpose of making a Macadamized road from Dundas Street to the River Humber, in the Township of York.*"

Bill for practice of  
Physic & Surgery in  
both sections of  
Province.

"*An Act to enable persons authorized to practice Physic or Surgery in Upper or Lower Canada, to practise in the Province of Canada.*"

Bill to amend Mutual  
Insurance Act of  
U. C.

"*An Act to amend an Act of the Parliament of the late Province of Upper Canada, intituled 'An Act to authorize the establishment of Mutual Insurance Companies in the several Districts of this Province',*"

Mont. R. C. Orphan  
Asylum Bill.

"*An Act to incorporate the Ladies of the Roman Catholic Orphan Asylum of Montreal.*"

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Bill to allow G.  
Durand to construct  
a mill-dam.

"*An Act to empower George Durand, Esquire, to construct a Canal, for Mill purposes, in the Township of Sarnia,*"



Bill to convey  
a certain piece of  
land in Lochiel.

Bill to exempt firemen  
from certain duties.

Bill to amend U. C.  
Dist. Court Act.

Election Bill sent  
down amended.

Bills sent down for  
concurrence.

Bill to prevent circu-  
lation of bad copper.

Education Bill.

Bill to prevent circu-  
lation of spurious  
copper, read 1st time.

Education Bill read  
1st time.

Home Dist. Debt  
consolidation Bill read  
2nd time.

Bill to be engrossed.

Bill to erect a New  
district in Kent read  
2nd time.

Seigniorial Tenure  
commutation Bill read  
2nd time.

Motion to refer Bill  
to Com. of whole  
Wednesday.

Motion to postpone  
consideration thereof.  
Carried.

Bill for recovery of  
small debts in Canada  
E., read 2nd time.

"An Act to empower certain Trustees, therein mentioned, to convey  
"a portion of a certain Lot of Land, in the Township of Lochiel, in the  
"Eastern District, to the Reverend John McIsaac."

"An Act to repeal a certain Act therein mentioned, and to exempt  
"the Members of Companies of Firemen, lawfully established, from  
"serving as Jurors, and in the Militia, except in certain cases."

"An Act to alter and amend the Laws now in force in that part of  
"this Province formerly Upper Canada, regulating the District Courts."

And also,

The Legislative Council have passed the Bill intituled "*An Act to  
"provide for the freedom of elections throughout this Province, and  
"for other purposes therein mentioned,"* with several amendments, to  
which they desire the concurrence of the Assembly.

And, also,

The Legislative Council have passed the following Bills, to which  
they desire the concurrence of the Assembly : —

"An Act to prevent the fraudulent manufacture, importation or cir-  
"culation of Spurious Copper and Brass Coin."

"An Act to repeal a certain Act therein mentioned, relating to  
"Education, and to make other provision for the encouragement  
"thereof."

And then he withdrew.

An engrossed Bill, from the Legislative Council, intituled "*An Act  
"to prevent the fraudulent manufacture, importation or circulation of  
"Spurious Copper and Brass Coin,"* was read for the first time.

An engrossed Bill, from the Legislative Council, intituled "*An Act  
"to repeal a certain Act therein mentioned, relating to Education, and  
"to make other provision for the encouragement thereof,"* was read for  
the first time.<sup>10</sup>

A Bill to consolidate certain debts due by the *Home* District, and  
to make provision for the payment thereof, was, according to Order,  
read a second time.

*Ordered* — That the said Bill be engrossed.

A Bill for the erection of certain Townships in the County of *Kent*,  
into a separate District, was, according to order, read a second time.

Mr. *Cameron* moved, seconded by Mr. *Thompson*,

That the said Bill be referred to a Committee of the whole House  
on *Friday* next,

The question having been put upon the said motion, a division  
ensued, and it was carried in the Affirmative.

*Ordered* — Accordingly.

A Bill to provide for the voluntary commutation of the Seigniorial  
Tenures in the Seignories of *Lower Canada*, was, according to Order,  
read a second time.<sup>11</sup>

Mr. *Dunsmuir* moved, seconded by Mr. *Simpson*,

That the said Bill be referred to a Committee of the whole House  
on *Wednesday* next.

Mr. *Christie* moved, seconded by Mr. *Aylwin*.

That the further consideration of the said Bill be postponed.

The question having been put upon the said motion, a division en-  
sued, and it was carried in the Affirmative.

*Ordered* — Accordingly.

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A Bill to provide for the more easy and expeditious administration  
of Justice in Civil Causes, and matters involving small pecuniary value,

in that part of this Province heretofore *Lower Canada*, was, according to Order, read a second time.

On motion of Mr. Attorney General *Ogden*, seconded by Mr. *Quesnel*.

Bill referred to  
Sel. Com.

*Resolved* — That the said Bill be referred to a Select Committee, composed of the Honourable Mr. *Viger*, Mr. *Quesnel*, Mr. *Black*, Mr. *Aylwin*, Mr. *Turcotte* and Mr. *Child*, to report thereon with all convenient speed; with power to send for persons, papers and records.

At 5 o'clock, Mr. Speaker declared the House adjourned until 7 o'clock, P. M.

7 o'clock, P. M.

House in Com. on  
2nd Rep. of Com.  
on Clerk's Office.

The Order of the day for the House in Committee on the second Report of the Select Committee appointed to inquire what assistance it will be necessary to afford to the Clerk, and what offices and departments it will be expedient to establish for the effective and orderly conduct of the business of this House, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Dunlop* took the chair of the Committee, and after some time spent therein,

Resolutions reported.

Mr. Speaker resumed the chair,

And Mr. *Dunlop* reported, that the Committee had come to several Resolutions, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

Order of day for  
House in Com. on  
Haldimand District  
Bill, postponed.

The Order of the day for the House in Committee on the Bill to erect the County of *Haldimand* into a separate District, by the name of "The District of *Manchester*," being read,

*Ordered* — That the said Order of the day be postponed until Friday next.

House on Com. on  
Rep. of Com. on  
Feudal Tenure.

The Order of the day for the House in Committee on the Report of the Select Committee to which were referred the Resolutions of this House of the 28th of *July* last, relative to the Laws of that part of the Province heretofore known as *Lower Canada*, touching the Tenure of Lands, and commonly known as "Feudal Tenure," being read.

The House accordingly resolved itself into the said Committee.

Mr. *Burnet* took the chair of the Committee, and after some time spent therein,

Resolution reported.

Mr. Speaker resumed the chair,

And Mr. *Burnet* reported, that the Committee had come to a Resolution, which he was directed to submit to the House whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

House in Committee  
on Rep. on Pet. of  
S. Garnsey & others.

The Order of the day for the House in Committee on the Report of the Select Committee to which was referred the Petition of *Samuel Garnsey*, and others, inhabitants of the Township of *Bayham*, and other references, being read,

The House accordingly resolved itself into the said Committee.

Mr. *D. McDonald* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair.

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Resolution reported.

And Mr. *D. McDonald* reported, that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth : —

Resolution.

*Resolved* — That it is expedient to define the limits of the County of *Norfolk*, and to annex to that County the Township of *Bayham*.

Bill to define limit of  
Norfolk brought in.

*Ordered* — That Mr. *Powell* have leave to bring in a Bill to define the *Westerly* limit of the County of *Norfolk*.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time on *Wednesday* next.

Order for House in Com. on Court of Impeachments Bill postponed.

The Order of the day for the House in Committee on the Bill to establish a Court in this Province for the trial of impeachments, being read,

*Ordered* — That the said Order of the day be postponed until *Wednesday* next, and that it be then the first Order of the day.

House in Com. on Amendments of L. Coun. to Marriage Bill.

The Order of the day for the House in Committee on the amendments made by the Legislative Council to the Bill intituled "*An Act to enable Ministers of all denominations of Christians to solemnize marriage, under certain restrictions,*" being read,

The House accordingly resolved itself into the said Committee.

Captain *Steele* took the chair of the Committee, and after some time spent therein,

Committee rises.

Mr. Speaker resumed the chair.

House in Committee on amending Macadamized roads regulation Act of U. C.

The Order of the day for the House in Committee to take into consideration the propriety of explaining and amending certain parts of an Act passed during the last Session of the Parliament of the late Province of *Upper Canada*, intituled "*An Act to repeal, alter and amend the Laws now in force, for the regulation of the several macadamized Roads within this Province,*" being read,

The House accordingly resolved itself into the said Committee.

Mr. *Christie* took the chair of the Committee, and after some time spent therein,

Resolutions reported.

Mr. Speaker resumed the chair,

And Mr. *Christie* reported, that the Committee had come to several Resolutions, which Resolutions were again read at the Clerk's table, and are as followeth : —

1st Resolution.

*Resolved* — That provision be made to explain and amend a certain Act passed during the last Session of the Parliament of the late Province of *Upper Canada*, intituled "*An Act to repeal, alter and amend the Laws now in force for the regulation of the several Macadamized Roads within this Province,*" so as to prevent the enforcing of a commutation of statute labour, from persons residing within half a mile of either side of the Roads not actually improved, and for other purposes.

2nd Resolution.

*Resolved* — That provision should be made to separate the several Turnpike Trusts within the *Home* District.

*Ordered* — That the question of concurrence be now separately put upon the said Resolutions.

1st Resolution carried.

And the first of the said Resolutions being again read, and the question of concurrence being put thereon, it was agreed to by the House.

2nd Resolution put.

The second of the said Resolutions being again read, and the question of concurrence being put thereon, a division ensued, and the names being called for, they were taken down as followeth : —

YEAS.

<i>Aylwin,</i>	<i>Barthe,</i>	<i>Burnet,</i>	<i>Child,</i>
<i>Baldwin,</i>	<i>Buchanan,</i>	<i>Cameron,</i>	<i>Christie,</i>
(505)			
<i>Cook,</i>	<i>Holmes,</i>	<i>Powell,</i>	<i>Smith, (Went.)</i>
<i>Daly, Hon. D.</i>	<i>McDonald, (Pres.)</i>	<i>Price,</i>	<i>Steele,</i>
<i>Durand,</i>	<i>McLean,</i>	<i>Roblin,</i>	<i>Turcotte,</i>
<i>Foster,</i>	<i>Morin,</i>	<i>Small,</i>	<i>Viger, Hon. D.B.</i>
<i>Gilchrist,</i>			(25).



NOES.

Black, Draper, Hon. W.H. Sherwood, Williams,  
 Cartwright, Moffatt, Hon. G. Thorburn, Woods. — 10.  
 Chesley, Raymond,

Carried.

So it was carried in the Affirmative, and —

*Resolved* — That this House doth concur with the Committee in the said Resolutions.

Bill to amend Act of  
 U. C. regulating  
 Turnpike trusts.

*Ordered* — That Mr. *Small* have leave to bring in a Bill to explain and amend an Act of the Legislature of *Upper Canada*, relative to District Turnpike Trusts.

Bill read.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time on *Friday* next.

Amendments to Bill  
 for administration of  
 Justice in Magdalen  
 Islands, taken up.

The Order of the day for taking into consideration the amendments made by the Legislative Council to the Bill intituled "*An Act to provide temporarily for the administration of Justice in the Magdalen Islands in the Gulf of St. Lawrence*," being read,

The House proceeded accordingly to take the said amendments into consideration,

Amendments.

And the said amendments were read, and are as followeth : —

Press 1, Line 37, 38 — Leave out "some person as his Clerk, whom he shall appoint for the purposes," and insert "the Clerk to be appointed as hereinafter mentioned."

Press 1, Line 40 — After the 2d Clause, insert the following Clause A : —

## CLAUSE A.

"And be it enacted, that it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of the Province, for the time being, to nominate and appoint, by a Commission, under his hand and seal, a fit and proper person, being resident on the said Islands, to act as Clerk of the said Commissioners' Court ; which said Clerk, before entering upon the duties of his office, shall make and execute, before the Senior Justice of the Peace, resident on the said Islands, a Bond, jointly and severally, with sureties, to be approved of by such Justice of the Peace, in the sum of Pounds, currency, that he will faithfully discharge the duties of his said office, and truly transcribe and keep a correct record of all proceedings, entries, and judgments of the said Court ; and further shall take and subscribe an oath, before the said Justice of the Peace, (which said oath the said Justice of the Peace is hereby authorized and required to administer) in the words following, to wit : — 'I, A. B., do promise and swear that I will faithfully, diligently and justly, serve and perform the office and duties of Clerk of the Commissioners' Court for the *Magdalen Islands*, according to the best of my ability. So help me God.' Which said oath shall be filed and kept among the Records of the said Court."

Press 1, Line 47 — After the 3d Clause of the said Bill, insert the following clauses, B. and C. : —

## CLAUSE B.

"And be it enacted, that it shall be the duty of the said Clerk, in

Amendments to Bill  
 for administration of  
 Justice in Magdalen  
 Islands.

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conformity with any Judgment rendered by the said Commissioners, to issue such Writs of Execution against the Goods and Chattels of any party against whom such Judgment has been pronounced, after the expiration of the delay allowed by this Act, or specially granted by the Commissioner, under the provisions of this Act, which said Writs of Execution shall have been previously signed and sealed by the Commissioner aforesaid, and kept in the custody of the said Clerk.

## CLAUSE C.

And be it enacted, that in case any opposition is entered to the sale of any goods and chattels, seized under and by virtue of any writ of execution issuing as aforesaid, it shall and may be lawful for the said Clerk to administer an oath to the party opposing such execution, to the truth of the allegations contained in such opposition; and thereupon to direct that all further proceeding be suspended under such writ of execution, until the return of such opposition before the next ensuing session of the said Court, when the several parties may be heard on the merits of the said opposition.

Press 2, Line 6 — After “given” insert “or to the clerk.”

Press 2, Line 9 — After “judgment” insert “and the said Clerk shall, after such notice shall have been given and such security been entered, forthwith, and with all convenient speed, at the instance and request of the party appealing, transmit a true and certified copy of the record of the cause so appealed to the said Court of Kings Bench, or Court of Common Pleas at *Quebec*, the party appealing paying, for the copy of such Record, to the said Clerk, at the rate of            for every hundred words, and no more.

Press 2, Line 18 — After “pence” insert “for every entry of an opposition            pence”

Press 2, Same Line — After the 5th clause of the Bill, insert clause D.

## CLAUSE D.

“And be it enacted that the said Commissioner shall have power and authority to nominate and appoint such number of Bailiffs as he may deem fit and necessary, for the service and execution of all writs, Orders, or Rules, of the said Court, and every such Bailiff, before entering upon the duties of his office, shall give security in such amount as the said Commissioner shall deem fit and proper, for the faithful discharge of his duties, and for the duly paying and accounting for of all money's that shall come into his hands.

Press 2, Line 40 — After “enacted” leave out all the words to the end of the 8th Clause of the Bill, and insert, in lieu thereof, “that in case of the death, sickness or absence of the Clerk, the Senior Justice of the Peace resident on the said Island shall forthwith, and with all convenient speed, notify such death, sickness or absence, to the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, and it shall and may be lawful for the said Senior Justice of the Peace to nominate and appoint, by a warrant under his hand and seal, any fit and competent person, resident in the said Islands, to act as Clerk to the said Court until another Clerk shall have been appointed by the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being; and such acting Clerk shall hold, enjoy, and possess, all the powers, authorities, privileges, and remuneration, allowed to the Clerk, to be appointed as aforesaid.”

Press 3, Line 7 — After the 9th Clause of the Bill, insert the following Clause E :

## CLAUSE E.

“And be it enacted, that in case there shall at any time be no Justice

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of the Peace residing on the said Islands, all the powers, authorities, and duties, hereby conferred upon or required from such Justice of the Peace, shall be held, possessed, enjoyed, or performed, by the Senior Missionary resident on the said Islands.”

On motion of Mr. *Christie*, seconded by Mr. *Barthe*,

*Ordered* — That the said amendments be now referred to a Committee of the whole House.

House in Com. on  
above amendments.

Amendments reported  
amended.

Return of payments  
to Attorney General  
Ogden, for last 4  
years laid before the  
House.

The House accordingly resolved itself into the said Committee.  
Mr. *Price* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. *Price* reported that the Committee had passed the said amendments, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

The Honourable Mr. *Daly* presented, pursuant to an address of the House of Assembly of the 17th of *August* last, a Return, containing a statement of all money's paid to the Honourable Mr. Attorney General *Ogden*, for official services rendered within the last four years, and the authority for such payment.

Statement of all money's paid to the Honourable Mr. Attorney General *Ogden*, for official services rendered, and for charges in the administration of Justice in the Department of Attorney General, within the last four years, and the authority for such payments.

Return.

SERVICES.	AMOUNT, STERLING.			UNDER WHAT AUTHORITY.
	£	s.	d.	
Amount of contingent account for half year ended 10th <i>April</i> , 1837,	1008	18	9	{ Paid from out of Revenues then at the disposal of the Crown. Ordinance of the Special Council, 1st. VIC : Chap. 12.
Do. for do. ended 10th <i>October</i> , "	982	15	0	
Amount of remuneration granted to him for his extra services from 4th <i>November</i> , 1837, to 17th <i>May</i> , 1838, arising out of the Rebellion, in the District of <i>Montreal</i> , in full for all extra services rendered by him between 4th <i>November</i> , 1837, and 17th <i>May</i> , 1838,	1500	0	0	Do. — 2nd. VIC : Chap. 5.
For Ordinary services performed by him in the half year ended 10th <i>April</i> , 1838 .....	1500	0	0	Do. — 3rd. VIC : Chap. 23.
Amount allowed to him on his accounts for services rendered to Government between 11th <i>April</i> , 1038 (sic), and 10th <i>April</i> 1840,	572	9	0	{ Do. — 1st. VIC. Chap. 12. — do. — 2nd. VIC : Chap. 12. — do. — 3rd. VIC : Chap. 39. — do. — 4th. VIC : Chap. 22. — do. — 4th. VIC : Chap. 9.
	9600	19	1	
	15,165	1	10	
Salary for 4 years, ended 30th <i>September</i> , 1840, to £300 per annum, .....	1200	0	0	For the year 1837, paid out of Loan from the Imperial Treasury, made good by Ordinance 1st. VIC : Chap. 11 ; and for the remaining years, out of the supplies annually granted by various Ordinances.
Total Sterling, £	16,365	1	10	

Kingston, 28th August, 1841.

JOS. CARY,  
Inspr. Genl. Accounts.

Note. — The contingent accounts of the Attorney General for the half year ending 10th October, 1840, are not yet finally audited, nor paid.

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House in Committee  
on Judges' independence Bill.

The Order of the day for the House in Committee on the Bill for better securing the independence and uprightness of the Judges, being read,

The House accordingly resolved into the said Committee.

The Honourable Mr. *Moffatt* took the chair of the Committee, and after some time spent therein,



- Mr. Speaker resumed the chair,  
 Bill reported. And the Honourable Mr. *Moffatt*, reported that the Committee had gone through the Bill, without making any amendment thereto ; and the Report was again read at the Clerk's table.
- Bill to be engrossed. *Ordered* — That the said Bill be engrossed.
- Remaining orders postponed. On motion of Mr. *Christie*, seconded by Mr. *Barthe*,  
*Ordered* — That the Orders of the day that have not been disposed of be postponed until to-morrow, and that they be then the first Orders of the day.
- Further leave to Com. On motion of Mr. *Roblin*, seconded by Mr. *Hincks*,  
 on Election for 2nd. *Ordered* — That the Committee appointed to try the merits of the  
 Riding York, to Petition of divers electors of the 2nd Riding of the County of *York*,  
 adjourn. and of *Connell James Baldwin*, Esquire, complaining of the undue elec-  
 tion and return of *George Duggan*, Esquire, the Sitting Member for the  
 said 2nd Riding of the County of *York*, have leave to adjourn until  
*Saturday* the 11th instant.
- Then, on motion of Mr. *Cartwright*, seconded by Mr. Attorney  
 General *Draper*,
- The House adjourned.

Footnotes — 6 September 1841.

1. The debate on Customs was reported by : EXAMINER, 15 September 1841 ; BRITISH COLONIST, 15 September 1841 ; KINGSTON CHRONICLE, 11 September 1841, which misdates its report Tuesday September 7th.
2. EXAMINER, 15 September 1841.
3. BRITISH COLONIST, 15 September 1841.
4. IBID.
5. EXAMINER, 15 September 1841.
6. BRITISH COLONIST, 15 September 1841.
7. EXAMINER, 15 September 1841.
8. BRITISH COLONIST, 15 September 1841.
9. EXAMINER, 15 September 1841.
10. IBID.
11. BRITISH COLONIST, 15 September 1841.
12. EXAMINER, 15 September 1841.
13. KINGSTON CHRONICLE, 11 September 1841.
14. BRITISH COLONIST, 15 September 1841.
15. IBID.
16. The BRITISH COLONIST, 15 September 1841, commented about this matter : "What opposition was offered to it was on the old grounds, Messrs. Neilson and Child being the most prominent dissentients." LE CANADIEN, 10 septembre 1841, commented : "Je dois vous dire que plusieurs membres instruits de la majorité sur cette mesure ont, en toute apparence, fait taire leur expérience et les convictions, fruit de leurs études sur l'économie politique, aux exigences aveugles de leurs constituants. Il y a tout à parier que cette mesure, si elle est menée à fin dans cette session, sera rejetée par l'exécutif local ou désavouée par la reine."
17. EXAMINER, 15 September 1841.
18. BRITISH COLONIST, 15 September 1841.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. A commentary on this bill is found in : LE CANADIEN, 10 September 1841.
41. A commentary on this bill is found in : MONTREAL GAZETTE, 14 September 1841, and KINGSTON CHRONICLE, 15 September 1841, both of which contain the same report.

**Tuesday, 7 September 1841.**

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*Petitions brought up.*

The following Petitions were severally brought up, and laid on the Table : —

Mr. Holms,  
and others.

By Mr. *Harmanus Smith* — The Petition of *William Holms*, and others, Inhabitants of the Township of *Brantford*, in the *Gore* District.

Master, &c., Quebec  
Trinity House.

By Mr. *Burnet* — The Petition of the Master, Deputy Master, and Wardens, of the *Trinity House of Quebec*.

Bill to compel candidates at Elections to declare their qualifications, read 3rd time.

An engrossed Bill to compel all Candidates at any future elections for Members of the Legislative Assembly to make and subscribe detailed declarations of the property by them possessed, and under which they qualify, was read for the third time.

Ryder moved.

Mr. *Christie* moved, seconded by Mr. *Thompson*,

That the following engrossed Clause, marked A., be added to the said Bill, by way of Ryder, and made part thereof : —

(A).

And whereas it may happen that any Candidate may, from illness or other unavoidable cause, be prevented from attending at the election, and the free choice of the electors might be defeated, unless provision were made in that behalf ; Be it therefore declared and enacted, that if any Candidate shall, on the day appointed for the election, deliver,

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or cause to be delivered, to the Returning Officer, a declaration, in the form prescribed by the twenty eight section of the said Act of the Parliament of *Great Britain and Ireland*, intituled "*An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*," signed by such Candidate, and made before a Justice of the Peace in this Province, who shall receive and attest the same, and also a declaration in the form prescribed by this Act, signed by such Candidate, and made on oath or affirmation before any Justice of the Peace in this Province who shall receive and attest the same, such Candidate shall be held to have complied with the requirements of the said Act, and of this Act, as to the declaration of qualification required of him ; and any false statement wilfully made in any such declaration as aforesaid, shall be a misdemeanor, for which the person guilty thereof shall be liable to the punishment to which persons guilty of wilful and corrupt perjury are liable, in the place where such declaration shall have been made ; Provided always, that on any prosecution for such misdemeanor, and for the purposes of this Act, any such declaration shall be held to have been made on the day on which it shall be delivered to the Returning Officer by order of the Candidate, whatever be the date at which it was signed, received, and attested, as aforesaid ; and the possession of any such declaration shall be *prima facie* evidence of authority from the Candidate to deliver the same to the Returning Officer.

Ryder carried.

The said clause being thrice read, and the question being put thereon, it was agreed to by the House.

Motion to re-commit  
Bill to-morrow.

Mr. *Christie* moved, seconded by the Honourable Mr. *Viger*,

That the said Bill be recommitted to a Committee of the whole House to-morrow.

Lost.

The question having been put upon the said motion, a division ensued, and it passed in the Negative.

Motion that Bill do pass.  
Amendment moved,

Mr. *Morris* moved, seconded by Mr. *Chesley*,  
That the Bill do pass.

The Honourable Mr. *Viger* moved, in amendment, seconded by Mr. *Barthe*,

That all the words after "that" in the said motion, be struck out, and the following substituted: "the further consideration of the said Bill be postponed until this day three months."

The question having been put upon the motion of amendment, a division ensued, and the names being called for, they were taken down, as followeth:—

## YEAS.

<i>Baldwin,</i>	<i>Durand,</i>	<i>Merritt,</i>	<i>Price,</i>
<i>Barthe,</i>	<i>Kimber,</i>	<i>Neilson,</i>	<i>Taché,</i>
<i>Christie,</i>	<i>McDonald, (Pres.)</i>	<i>Parent,</i>	<i>Viger, Hon. D.B.</i>
<i>De Salaberry,</i>			(13).

## NOES.

<i>Black,</i>	<i>Gilchrist,</i>	<i>MacNab, Sir A.N.</i>	<i>Smith, (Went.)</i>
<i>Buchanan,</i>	<i>Harrison, Hon. S.B.</i>	<i>Moffatt, Hon. G.</i>	<i>Sherwood,</i>
<i>Burnet,</i>	<i>Holmes,</i>	<i>Morris,</i>	<i>Thompson,</i>
<i>Cameron,</i>	<i>Hopkins,</i>	<i>Parke,</i>	<i>Thorburn,</i>
<i>Chesley,</i>	<i>Johnston,</i>	<i>Roblin,</i>	<i>Watts,</i>
<i>Derbshire,</i>	<i>Killaly, Hon. H.H.</i>	<i>Smith, (Fron.)</i>	<i>Yule. — 25.</i>
<i>Dunscomb,</i>			

Amendments lost.

So it passed in the Negative.

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The question being then put upon the main motion, a division again ensued, and the names being called for, they were taken down, as followeth:

## YEAS.

<i>Black,</i>	<i>Dunscomb,</i>	<i>Killaly, Hon. H.H.</i>	<i>Smith, (Went.)</i>
<i>Buchanan,</i>	<i>Durand,</i>	<i>McNab, Sir A.N.</i>	<i>Sherwood,</i>
<i>Burnet,</i>	<i>Gilchrist,</i>	<i>Moffatt, Hon. G.</i>	<i>Steele,</i>
<i>Chesley,</i>	<i>Harrison, Hon. S.B.</i>	<i>Morris,</i>	<i>Thompson,</i>
<i>Cook,</i>	<i>Holmes,</i>	<i>Parke,</i>	<i>Thorburn,</i>
<i>Day, Hon. C.D.</i>	<i>Hopkins,</i>	<i>Roblin,</i>	<i>Watts,</i>
<i>Derbshire,</i>	<i>Johnston,</i>	<i>Smith, (Fron.)</i>	<i>Yule. — 29.</i>
<i>Dunlop,</i>			

## NOES.

<i>Aylwin,</i>	<i>De Salaberry,</i>	<i>Merritt,</i>	<i>Price,</i>
<i>Baldwin,</i>	<i>Hincks,</i>	<i>Neilson,</i>	<i>Taché,</i>
<i>Barthe,</i>	<i>Kimber,</i>	<i>Parent,</i>	<i>Viger, Hon. D.B.</i>
<i>Christie,</i>	<i>McDonald, (Pres.)</i>		(14).

Bill passed.

So it was carried in the Affirmative, and —

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Morris*, do carry the said Bill to the Legislative Council, and desire their concurrence.

Bill to consolidate certain debts of Home District passed.

An engrossed Bill to consolidate certain debts due by the *Home District*, and to make provision for the payment thereof, was read for the third time.

*Resolved* — That the Bill do pass, and the title be "*And Act to consolidate certain debts due by the Home District, and to make provision for the payment thereof.*"

*Ordered* — That Mr. *Buchanan*, do carry the said Bill to the Legislative Council, and desire their concurrence.



Flour and Meal  
Inspection Bill  
passed.

An engrossed Bill to regulate the Inspection of Flour and Meal was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That the Honourable Mr. *Moffatt*, do carry the said Bill to the Legislative Council, and desire their concurrence.

Bill to secure Judge  
independence.

An engrossed Bill for better securing the independence and uprightness of the Judges was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Aylwin*, do carry the said Bill to the Legislative Council, and desire their concurrence.

Resolution, placing  
officers &c. of House  
under direction of  
Speaker, rescinded.

On motion of Mr. *Thorburn*, seconded by Mr. *Dunlop*,

*Resolved* — That the Resolution of this House of the 26th of *July* last, which places the Officers, Clerks and Servants, employed by the House, under the direction of the Speaker, during the Session and Recess, be rescinded.

*Resolved* — That the Clerk of this House be held responsible for the safe keeping of all the Papers and Records of this House, and have the direction and control over all the Clerks and Servants employed in the office, subject to such orders as he may, from time to time, receive from Mr. Speaker and the House.

Resolution placing all  
under direction of the  
Clerk.

Petition of Directors  
of Toronto & L. Huron  
Rail Road Co.  
referred to Com. on  
petition of Justice  
Home District.  
Member added to  
Committee.

*Ordered* — That the Petition of the Directors of the *Toronto* and *Lake Huron* Rail Road Company, presented to the House on the 4th instant, be referred to the Select Committee to which was referred the Petition of the Justices of the Peace of the *Home* District, and other references.

*Ordered* — That Mr. *Dunlop* be added to the said Committee.

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Report of Commis-  
sioners on settlement  
of McNab township  
laid before House.

The Honourable Mr. *Harrison* presented, pursuant to an Address of the House of Assembly of the 17th of *August* last, a Return containing the Report of the Commissioners appointed to report on the Township of *MacNab*.

For the said Return, see Appendix (H. H.)

Also Return of  
Ottawa timber  
duties.

Also, pursuant to an Address of the House of Assembly of the 15th of *July* last, a Return relative to duties collected on Timber in the *Ottawa* District.

For the said Return, see Appendix (I. I.)

Also Return of  
Salaries borne on  
Revenue of U. & L.  
Canada & the United  
Province.

And also, pursuant to an Address of the House of Assembly of the 11th of *August* last, a Return relative to all salaries borne on the Income of *Lower Canada*, *Upper Canada*, and the Province of *Canada*, between 1st *October*, 1839, and 10th *February*, 1841.

For the said Return, see Appendix (J. J.)

Com. on Address of  
Assembly of U. C.  
on behalf of Mr.  
Manahan, report.  
Report.

Mr. *Dunlop*, from the Special Committee to which was referred the Address passed by the House of Assembly of *Upper Canada*, in favor of *Anthony Manahan*, Esquire, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

"Your Committee, on careful examination, are of opinion that the allegations of the claimant, *Anthony Manahan*, Esquire, are perfectly true, as will be seen on reference to the Journals of the last Session of the House of Assembly of the late Province of *Upper Canada*, page 368, which contains an Address from that House to His Excellency, the Governor General, recommending that remuneration be made to Mr. *Manahan* for his losses; and page 378, which contains His Excellency's answer thereto; also the first volume of the Appendix to the same Journal, where will be found the Report of the Select Committee to which the Petition of Mr. *Manahan* was referred.

Your Committee therefore feel no hesitation in recommending to Your Honourable House, to pass an humble address to His Excellency, the Governor General, requesting, on behalf of Mr. *Manahan*, the remuneration and redress which he has sought, and expressing the willingness of the House to make good, hereafter, any sum which may be advanced for that purpose; and have therefore prepared a Resolution to that effect, which accompanies this report."

*Ordered* — That the said Report be referred to a Committee of the whole House to-morrow.

Report referred to  
Com. of whole  
to-morrow.

On motion of Mr. *Thorburn*, seconded by Mr. *McLean*.

Address to His  
Excellency respecting  
payment of certain  
sums granted in  
U. C. ordered.

*Resolved* — That an humble address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to inform this House when the unpaid balance of £50,000, granted for the improvement of the Roads in the late Province of *Upper Canada*, by an Act passed in the 6th year of the Reign of His late Majesty, WILLIAM the Fourth, Chapter 37, intituled "*An Act granting to His Majesty a sum of money, for the improvement of Roads and Bridges in the several Districts of this Province,*" may be obtained, for the purposes of said Act; and of an Act passed during the 1st Session of the 13th Parliament of the said Province, of the 7th WILLIAM the Fourth, Chapter 107; also when the sum of £12,500, authorized for the improvement of the *Grand River* Navigation, by an Act passed in the 7th year of the Reign of His late Majesty WILLIAM the Fourth, Chapter 73 may be expected to be paid.<sup>1</sup>

Mr. *Harrison* said he apprehended it would now become the province of the District Councils to determine how the sums alluded to were to be paid. — There was, he believed, about 5 or £6,000 which had been expended by the Trustees, over and above the money paid to them, and which they had expended, whether prudently or not he would not say — which he believed it was the intention of the Government to advance. He would not object to the Address, but after what he had said hon. gentlemen could pretty well judge what the answer was likely to be.<sup>2</sup>

Mr. *Moffatt* said that the debts of Upper Canada should not be charged to United Canada.<sup>3</sup>

(511)

*Ordered* — That the said address be presented to His Excellency,

(512)

by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of Mr. *Baldwin*, seconded by Mr. *Durand*,

Amendments of L.  
Council to Election  
Bill taken up.

*Ordered* — That the amendments made by the Legislative Council to the Bill intituled "*An Act to provide for the freedom of elections throughout this Province, and for other purposes therein mentioned,*" be now taken into consideration.

The House proceeded accordingly to take the said amendments into consideration.

Amendments.

And the said amendments were read, and are as followeth: —

Press 2, Line 16 — Leave out "Law" and insert "Laws of the late Province of *Upper or Lower Canada*, as are now."

Press 2, Line 18 — After the word "places" leave out all the words to "not" in the 22nd line, inclusively, and insert "as are appointed under and by virtue of the said Laws of *Lower Canada*, or of *Upper Canada* respectively, for the holding of meetings for the Election of such Officers, whether the terms Parish or Township be, or be not, technically applicable to such place or places."

Press 7, Line 31 — Before "Poll" insert, "Election or."

Press 7, Line 34 — Before "Poll" insert, "Election or."

Press 7, Line 35 — Before "Poll" insert, "Election or."

Press 7, Line 37 — After "who" insert, "with the said new or acting Returning Officer, or Deputy Returning Officer."

Press 7, Line 37 — After "upon" leave out all the words to "Clerk" in the 38th line, and insert "their duties respectively."

Press 8, Line 3 — Before "sixpence" insert, "travelled."

Press 9, Line 7 — Leave out "deem" and insert, "deemed."

Press 10, Line 13 — Leave out "House of" and insert, "Legislative."

Press 10, Line 19 — Leave out "House of" and insert, "Legislative."

Amendments agreed to.

And the said amendments being again read they were agreed to by the House.

*Ordered* — That Mr. *Baldwin*, do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath agreed to their amendments.

On motion of Mr. *Aylwin*, seconded by Mr. *Thorburn*.

Message to Legislative Council for leave to Mr. Macaulay to attend Sel. Com. ordered.

*Resolved* — That a Message be sent to the Legislative Council, praying their Honours will permit the Honourable *John Macaulay*, one of their members, to appear before the Select Committee of this House appointed to enquire into the Accounts of Collectors of Customs in this Province to-morrow, at 9 o'clock in the forenoon, to be examined on the subject of said reference.

*Ordered* — That Mr. *Aylwin* do carry the said Message to the Legislative Council.

Mr. *Cameron* moved, seconded by Mr. *Hincks*,

Motion to print 300 copies of Report on Settlement of McNab.

That 300 copies of the Report of the Agent of the *Bathurst* District, relative to the Township of *MacNab*, together with the remarks and letter of the Chief *MacNab*, relative to the said Report, be printed for the use of the members of this House.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth: —

#### YEAS.

<i>Barthe,</i>	<i>Cook,</i>	<i>Day, Hon. C.D.</i>	<i>Durand,</i>
<i>Cameron,</i>	<i>Daly, Hon. D.</i>	<i>Dunscomb,</i>	<i>Foster,</i>
(513)			
<i>Hincks,</i>	<i>Morris,</i>	<i>Roblin,</i>	<i>Thorburn,</i>
<i>Holmes,</i>	<i>Parent,</i>	<i>Smith, (Went.)</i>	<i>Viger, Hon. D.B.</i>
<i>Hopkins,</i>	<i>Parke,</i>	<i>Steele,</i>	<i>Watts,</i>
<i>Johnston,</i>	<i>Price,</i>	<i>Thompson,</i>	<i>Williams. — 25.</i>
<i>Merritt,</i>			

#### NOES.

<i>Aylwin,</i>	<i>Derbshire,</i>	<i>McNab, Sir A.N.</i>	<i>Robertson,</i>
<i>Buchanan,</i>	<i>Dunn, Hon. J.H.</i>	<i>McDonald, (Pres.)</i>	<i>Smith, (Fron.)</i>
<i>Burnet,</i>	<i>Harrison, Hon. S.B.</i>	<i>McLean,</i>	<i>Taché,</i>
<i>Chesley,</i>	<i>Kimber,</i>	<i>Neilson,</i>	<i>Yule. — 17.</i>
<i>Christie,</i>			

Carried.

So it was carried in the Affirmative, and —  
*Ordered* accordingly.

300 copies of D. McDonell's Accounts with Surveyor Gen. of U. C. to be printed.

*Ordered* — That 300 copies of *Duncan McDonell's (Greenfield)* Account, current with the Surveyor General of that part of the Province formerly called *Upper Canada*, be printed for the use of the members of this House.

Chairman of Com. of whole on 2nd Report on Clerk's Office reports Resolutions.

Mr. *Dunlop*, from the Committee of the whole House on the second report of the Special Committee appointed to enquire what assistance it will be necessary to afford to the Clerk, and what offices and departments it will be expedient to establish for the effective and orderly



conduct of the business of this House, reported, according to order, the Resolutions of the said Committee, which Resolutions were again read at the Clerk's table, and agreed to by the House, and are as followeth : —

1st Resolution :  
Allowance to A. Lemoine, Ass't. French Translation.

*Resolved* — That there be allowed to *Alexander Lemoine*, Assistant French Translator, at the rate of one pound per diem of six hours, and at the rate of ten shillings per diem for extra hours.

2nd Resolution :  
10s. per diem to R. Defries, P. O. Messenger.

*Resolved* — That there be allowed to *R. Defries*, Post Office Messenger, ten shillings per diem for the time he is employed, with no extra allowance.

3rd Resolution :  
Certain Clerks to be employed during Recess.

*Resolved* — That *Alfred Todd*, *Thaddeus Patrick*, and *Charles Fitzgibbon*, be employed at the same rate as other extra writers, and continued during the recess, while they may be required by the Clerk.

Chairman of Com.  
of whole on Report  
on Feudal Tenure,  
reports Resolution.

*Mr. Burnet*, from the Committee of the whole House on the Report of the Select Committee to which were referred the Resolutions of this House on the 28th of *July* last, relative to the Laws of that part of the Province heretofore known as *Lower Canada*, touching the Tenure of Lands, and commonly known as "Feudal Tenure," reported, according to order, the Resolution of the said Committee, which Resolution was again read at the Clerk's table, and is as followeth : —

Resolution for address  
to His Excellency on  
the Feudal Tenure.

*Resolved* — That an humble address be presented to His Excellency, the Governor General, representing that this House, being desirous of improving the condition, and promoting the welfare, of the People, by removing, in a manner consistent with Justice to all parties concerned, the difficulties and inconveniences which have resulted, and may hereafter result, from the Tenure of Lands commonly called the Seigniorial Tenure, as it obtains in that part of the Province heretofore called *Lower Canada*; and being of opinion that, to facilitate legislation on this important subject, an inquiry ought to be had in the state of the Law, and other circumstances connected with the said Tenure, and its operation generally, — into the relative position of the Seigniors and the Censitaires, — and into the means of establishing a general and uniform system of commutation, on a fair and equitable basis, — do humbly pray His Excellency to be pleased to appoint a Commission,

(514)

Resolution for address  
to His Excellency  
on the Feudal Tenure.

for the purpose of prosecuting the said enquiry, — and assuring His Excellency that whatever expenses may be incurred for the accomplishment of that purpose, will be made good by this House : also humbly representing to His Excellency, that the end in view, in the opinion of this House, would be best attained if a fit and proper person, residing in that part of this Province formerly known as *Lower Canada*, and well versed in the Law and practice of the said Tenure, and being a practitioner at the Bar, or a Notary of long standing, were appointed to inquire into the Feudal and Seigniorial Tenure, — and two other Commissioners, having been long resident in the said part of this Province, — were appointed to be Commissioners, jointly with the Commissioner above mentioned, and if the said Chief Commissioner were instructed to make the necessary examination and search into all Public Records and Notarial Acts, from the time of the settlement of the Country, and to establish, for several distinct periods, the true conditions on which grants of Land on Seigniorly have been made by the Crown, and on which lands have been conceded *en arrière Fief* or *en Censive et Roture*; and to collect all other requisite information connected with the said subjects : to inquire into the Laws which have, from time to time, governed, and now govern, the said Tenures : — to enquire generally into the present working of the system, by proper investigations in every section of *Lower Canada*, in a number of Seigniories, indifferently chosen by a majority of the said Commissioners, for the purpose of ascertaining as far as possible the present

rents, dues, reservations, and charges of any kind, — the probable quantity of unconceded Seigniorial Lands in the Province, and their quality and value, — and also the quantity of Lands conceded but not improved, — the value of Seigniorial Mills in the Province, and the annual average value of *Lods et Ventes* paid or accruing thereon : and of obtaining such further information as may tend to throw light on the subject : — to consult the Seigniores and Censitaires respectively upon the most proper and equitable means of effecting, by Law, a commutation of the Feudal and Seigniorial Tenures (such commutation being founded upon a due regard to the rights and interests of all parties), and also upon the most proper means of effecting an arbitration in cases where it may be required ; and if upon consideration of such information and statements, obtained by him and the other Commissioners, the said Commissioners should report their proceedings and opinions to His Excellency, in order that the same might be submitted, with the original minutes of all proceedings, to the Provincial Legislature.

Motion to concur  
in resolution.

Mr. *Dunscomb* moved, seconded by Mr. *Watts*,

That this House doth concur with the Committee in the said Resolution.

The question having been put upon the said motion, a division ensued, and the names being called for they were taken down as followeth : —

## YEAS.

<i>Baldwin,</i>	<i>De Salaberry,</i>	<i>MacNab, Sir A.N. Smith, (Went.)</i>
<i>Buchanan,</i>	<i>Dunn, Hon. J.H.</i>	<i>McLean, Steele,</i>
<i>Cameron,</i>	<i>Dunscomb,</i>	<i>Merritt, Taché,</i>
<i>Cartwright,</i>	<i>Durand,</i>	<i>Morris, Thompson,</i>
<i>Chesley,</i>	<i>Foster,</i>	<i>Parent, Viger, Hon. D.B.</i>
<i>Daly, Hon. D.</i>	<i>Hincks,</i>	<i>Price, Watts,</i>
<i>Day, Hon. C.D.</i>	<i>Holmes,</i>	<i>Roblin, Williams,</i>
<i>Derbishire,</i>	<i>Hopkins,</i>	<i>Smith, (Front.) Yule. — 32.</i>

(515)

## NOES.

<i>Barthe,</i>	<i>Cook,</i>	<i>Kimber,</i>	<i>Neilson. — 5.</i>
<i>Christie,</i>			

Carried.

So it was carried in the Affirmative, and —

*Resolved* — Accordingly.

*Ordered* — That the said Address be presented to His Excellency by such members of this House as are of the Honourable the Executive Council of this Province.

Chairman of Com. of  
whole on amend-  
ments of Leg. Coun-  
cil, to Magdalen  
Islands Judicature  
Bill, reports  
amendments.

Mr. *Price*, from the Committee of the whole House on the amendments made by the Legislative Council to the Bill intituled "*An Act to provide temporarily for the administration of Justice in the Magdalen Islands, in the Gulf of Saint Lawrence,*" reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House, and are as followeth : —

Amendments.

Fill up the blank in the Clause A, with the word "Fifty."

In the fifth amendment,

Line 10 — Fill up the blank with the words "six pence."

In the sixth amendment,

Line 2 — Fill up the blank with the word "nine."

*Ordered* — That the said amendments be engrossed.

Amendments to be  
engrossed.

Chairman of Com. of  
whole on Message on  
Public Improvements,  
reports additional  
Resolution.

Mr. *Parent*, from the Committee of the whole House to take into consideration the Message of His Excellency, the Governor General, relative to Public Improvements, together with the documents accompanying the same, and other references, reported, according to order, the additional Resolution passed by the said Committee, which Resolution was again read at the Clerk's table, and is as followeth : —

11th Resolution :  
£109,355 granted to  
complete improvement  
of certain roads.

*Resolved* — That the Government of this Province should be further authorize to raise, on the credit of the consolidated Revenue Fund, the sum of £109,355, to be applied to the completion of the following Roads, which are now in an unfinished state, and which have been commenced on the faith of Acts of the Provincial Legislature. Provided always, that the interests on all sums, so advanced, shall be secured by Tolls, as well as by direct taxation on the Districts in which such Roads are situated : —

Queenston and Grimsby Road .....	£ 42,500
Kingston and Napanee do .....	6,000
Toronto Road, North .....	25,000
Do do East .....	7,777
Do do West .....	9,078
Hamilton and Brantford Road .....	9,000
Dundas and Waterloo do .....	10,000
	<hr/>
	£109,355

Quest. of concurrence  
put on Resolutions of  
yesterday, and the  
present one.

*Ordered* — That the question of concurrence be now separately put upon the several Resolutions reported yesterday, and the one now reported, from the said Committee.

The first of the said Resolutions being again read,<sup>4</sup>

**Mr. Harrison** then moved the concurrence of the house on the report of the committee on public improvements. 1st. Resolved — that it is the opinion of this house, that with a view to reduce the interest on the existing public debt of Canada, it is desirable that the sum of £1,500,000 of English Sterling money should be raised by loan on the best terms that can be obtained, &c.<sup>5</sup>

(515)

1st Resolution put,  
(£1,500,000 stg.  
loan.)

Amendment moved.

**Mr. Neilson** moved, seconded by **Mr. Aylwin**,

That the said Resolution be recommitted, with an instruction to amend the same, so as to omit any acknowledgement which it may contain of any public debt not contracted by and with the consent of the Representatives of the people of the late Province of *Lower Canada*.

((**Mr. Neilson**)) asserted that the British Parliament had no right so to legislate as to compel the Lower Canadians to pay the debt of the Upper Province, without their consent and against their will... ((He)) said this was the first opportunity which had been afforded him of expressing his opinion on the subject, and he pronounced the Act ((of Union)) illegal and unconstitutional.<sup>6</sup>

**Sir Allan MacNab** would vote for part of the Resolution, though not the whole of it. — He admitted that the Act of Union was unconstitutional, and he felt obliged to the Hon. Member for Quebec, for giving the House an opportunity of expressing its opinion.<sup>7</sup>

**Mr. Baldwin** did not see any inconsistency in the Resolution — he was glad of an opportunity to make his solemn protest against many parts of the Act of Union. It was necessary to do so now to guard themselves from being committed. He believed a very large majority of the inhabitants of the Province were of opinion that the payment of the Debt of Upper Canada by the Lower Province was highly unjust. He believed also that giving an equal representation to the two Provinces was equally so.<sup>8</sup>

**Mr. Moffatt** would vote against the Resolution.<sup>9</sup>

**Mr. Merritt** could not support the Resolution, no injustice had been done to Lower Canada — as the advantages they derived were greater than the disadvantages.<sup>10</sup> ((He)) saw no injustice in the United Province being debited with the debt being fully assured that the works which had been commenced would return the outlay on them when they were completed.<sup>11</sup>

**Mr. Christie** supported the amendment by similar arguments to those of the hon. mover.<sup>12</sup>



**Mr. Aylwin** had heard the observations of Sir A. Macnab with some surprize — This was the first time they had been called on to express their sentiments on the subject, and he as a British subject would openly declare that the Act of Union was a gross violation of Magna Charta; and which applied equally to the Colonies as to Great Britain — that its subject were not to be taxed without their consent. The British Government had effected the Union, but it was by might not by right....<sup>13</sup>

Hear, from **Mr. Baldwin**.<sup>14</sup>

((**Mr. Aylwin** continued.)) It would forever remain a reproach to the British Government, and he would solemnly protest against it; that the Lower Canadians were a reproach to themselves, and unworthy (sic) of being neighbors to a country which took arms to defend themselves from similar innovations — and which ended in a separation from the Parent Country. The name of Washington would be handed down to posterity as a Patriot, to be admired, and as an example to be emulated. The hon. member for Lincoln (**Mr. Merritt**) seemed to think that the liberties of the people were to be bartered for Gold.<sup>15</sup>

**Mr. Merritt** interrupted the hon. member by saying that he always disapproved of the appropriation of the Lower Canada debt.<sup>16</sup>

**Mr. Aylwin** resumed. — It was a gross violation of our civil rights, with regard to the Civil List, it might last a few years but it could not stand permanently; justice must and would be done, all honest members of the House would support his view of the case, the member for Lincoln said why complain — you have made upon the whole a good bargain. He would say we have been compelled to comply against our will; and that the conduct of the British Government was tyranny of the grossest description — it was iniquitous and unjust — a most iniquitous measure to compel them to pay the debts of this Province — and debts too of those who have been running not in the race of improvements upon a go-a-head system similar to that which had been practiced in a neighboring country. No man who had the feelings of a British subject (hear, hear,) would submit to such an imposition. He hoped the House would be of the same opinion with himself, and would remonstrate with the Parliament of Great Britain for redress. He would yield in loyalty to none; but if justice could not be obtained by peaceable means, he would resort to the force of arms — and he would spend the last drop of his blood in obtaining justice. The hon. member for Simcoe (**Capt. Steele**) cries hear! that hon. gentleman he understood was a British Sailor — and had during a long life been fighting for liberty — and he hoped he would support the views he had expressed on that occasion. As to the outrage which had been committed he was delighted that his hon. friend the member for Quebec (**Mr. Neilson**) had brought forward this measure. He had spent a whole life in the cause of liberty, and he was the proper man to give a rebuke to Great Britain, for the injustice of which she had been guilty.<sup>17</sup>

(516)

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth: —

YEAS.

<i>Aylwin,</i>	<i>Child,</i>	<i>Morin,</i>	<i>Quesnel,</i>
<i>Baldwin,</i>	<i>Christie,</i>	<i>Neilson,</i>	<i>Taché,</i>
<i>Barthe,</i>	<i>Johnston,</i>	<i>Parent,</i>	<i>Turcotte,</i>
<i>Burnet,</i>	<i>Kimber,</i>	<i>Price,</i>	<i>Viger, Hon. D.B.</i>

(16).

NOES.

<i>Buchanan,</i>	<i>Dunlop,</i>	<i>MacNab, Sir A.N. Smith, (Fron.)</i>
<i>Cameron,</i>	<i>Dunn, Hon. J. H.</i>	<i>McDonald, (Pres.) Smith, (Went.)</i>
<i>Cartwright,</i>	<i>Dunscomb,</i>	<i>McLean,</i>
<i>Chesley,</i>	<i>Durand,</i>	<i>Merritt,</i>
<i>Cook,</i>	<i>Foster,</i>	<i>Moffatt, Hon. G.</i>
<i>Daly, Hon. D.</i>	<i>Harrison, Hon. S.B.</i>	<i>Morris,</i>
<i>Day, Hon. C. D.</i>	<i>Hincks,</i>	<i>Ogden, Hon. C.R.</i>
<i>Derbshire,</i>	<i>Holmes,</i>	<i>Parke,</i>
<i>De Salaberry,</i>	<i>Hopkins,</i>	<i>Robertson,</i>
<i>Draper, Hon. W.H.</i>	<i>Killaly, Hon. H.H.</i>	<i>Roblin,</i>
		<i>Steele,</i>
		<i>Thompson,</i>
		<i>Thorburn,</i>
		<i>Watts,</i>
		<i>Williams,</i>
		<i>Woods,</i>
		<i>Yule. — 40.</i>

Amendment lost.  
Resolution carried.

So it passed in the Negative.  
The question being then put upon the said Resolution, it was agreed to by the House.

2. Resolved, that it is the opinion of this house that a still further revenue be raised to complete the public works by an alteration of the custom duties.<sup>18</sup>

(516)

2nd Resolution carried  
(Alienation of  
Customs Duties.)

The second of the said Resolutions being again read, and the question of concurrence being put thereon, it was agreed to by the House.

3. Resolved, that the following public works in this Province be undertaken: — The Welland Canal £450,000; St. Lawrence Canal £315,000; River Richelieu £21,000; Ottawa £28,000; Burlington Bay £45,000; Waters of Newcastle District £50,000; Harbours and Light Houses £74,000....<sup>19</sup>

3rd Resolution put,  
(Grant to pub. works,  
Class 1.)

The third of the said Resolutions being again read, and the question of concurrence being put thereon, a division ensued, and the names being called for they were taken down as followeth: —

# YEAS.

<i>Aylwin,</i>	<i>De Salaberry,</i>	<i>Merritt,</i>	<i>Smith, (Front.)</i>
<i>Baldwin,</i>	<i>Draper, Hon. W.H.</i>	<i>Moffatt, Hon. G.</i>	<i>Smith, (Went.)</i>
<i>Barthe,</i>	<i>Dunlop,</i>	<i>Morin,</i>	<i>Sherwood,</i>
<i>Buchanan,</i>	<i>Dunn, Hon. J. H.</i>	<i>Morris,</i>	<i>Steele,</i>
<i>Burnet,</i>	<i>Durand,</i>	<i>Neilson,</i>	<i>Taché,</i>
<i>Cameron,</i>	<i>Harrison, Hon. S.B.</i>	<i>Ogden, Hon. C.R.</i>	<i>Thompson,</i>
<i>Cartwright,</i>	<i>Hincks,</i>	<i>Parent,</i>	<i>Thorburn,</i>
<i>Chesley,</i>	<i>Holmes,</i>	<i>Parke,</i>	<i>Turcotte,</i>
<i>Child,</i>	<i>Hopkins,</i>	<i>Powell,</i>	<i>Viger, Hon. D.B.</i>
<i>Christie,</i>	<i>Killaly, Hon. H.H.</i>	<i>Price,</i>	<i>Watts,</i>
<i>Cook,</i>	<i>Kimber,</i>	<i>Quesnel,</i>	<i>Williams,</i>
<i>Daly, Hon. D.</i>	<i>McNab, Sir A.N.</i>	<i>Robertson,</i>	<i>Woods,</i>
<i>Day, Hon. C.D.</i>	<i>McDonald, (Pres.)</i>	<i>Roblin,</i>	<i>Yule. — 55.</i>
<i>Derbshire,</i>	<i>McLean,</i>	<i>Simpson,</i>	

# NOES.

*Johnston.* — 1.

Resolution carried.

So it was carried in the Affirmative.

4. Resolved, that it is the opinion of this house that a further sum be raised by imposing a duty of 1 per cent. upon the average amount of Bank circulation in this province — <sup>20</sup>

4th Resolution put,  
(Tax of 1 per ct. on  
Banks)

Amendment moved.

The fourth of the said Resolutions being again read,  
Mr. *Aylwin* moved in amendment, seconded by Mr. *Neilson*,  
That under the terms of the Despatch of the Lord *John Russell*, to His Excellency, the Governor General, of the 3d May, 1841, the guarantee promised by Her Majesty's Government, was intended to facilitate the negotiation of a loan of one million and a half pounds, for the purpose of buying in the debt of the Province at a favorable rate, and

(517)

for the purpose of completing public works necessary for the free passage between the *Western* portion of the Province, the *Saint Lawrence* and the Sea — and for those two purposes only.

Mr. *Aylwin* would object to the local improvements of Upper Canada. The members of Lower Canada were not possessed of sufficient statements or geographical knowledge to

judge of their expediency, and wanted more time to be made acquainted with the country — and he could not allow the measure to pass without recording his vote against it.<sup>21</sup>

(517)

The question having been put upon the motion of amendment, a division ensued, and the names being called for, they were taken down as followeth : —

YEAS.

<i>Aylwin,</i>	<i>Child,</i>	<i>Moffatt, Hon. G. Price,</i>
<i>Baldwin,</i>	<i>Christie,</i>	<i>Morin,</i>
<i>Barthe,</i>	<i>Johnston,</i>	<i>Neilson,</i>
<i>Burnet,</i>	<i>McDonald, (Pres.)</i>	<i>Parent,</i>
<i>Cartwright,</i>	<i>Merritt,</i>	<i>Viger, Hon. D.B.</i>

(18).

NOES.

<i>Buchanan,</i>	<i>Dunscumb,</i>	<i>Morris,</i>	<i>Smith, (Went.)</i>
<i>Cameron,</i>	<i>Durand,</i>	<i>Ogden, Hon. C.R.</i>	<i>Sherwood,</i>
<i>Cook,</i>	<i>Foster,</i>	<i>Parke,</i>	<i>Steele,</i>
<i>Daly, Hon. D.</i>	<i>Harrison, Hon. S.B.</i>	<i>Powell,</i>	<i>Thompson,</i>
<i>Day, Hon. C. D.</i>	<i>Hincks,</i>	<i>Quesnel,</i>	<i>Thorburn,</i>
<i>Derbishire,</i>	<i>Holmes,</i>	<i>Robertson,</i>	<i>Watts,</i>
<i>De Salaberry,</i>	<i>Hopkins,</i>	<i>Roblin,</i>	<i>Williams,</i>
<i>Draper, Hon. W.H.</i>	<i>Killaly, Hon. H.H.</i>	<i>Small,</i>	<i>Woods,</i>
<i>Dunlop,</i>	<i>Kimber,</i>	<i>Smith, (Front.)</i>	<i>Yule. — 38.</i>
<i>Dunn, Hon. J.H.</i>	<i>McLean,</i>		

Amendment lost.

Another amendment moved.

So it passed in the Negative.

Mr. *Cartwright* then moved, in amendment, seconded by Mr. *Burnet*, That the selection of Banks, as objects of Taxation, is in violation of the public faith, solemnly pledged to the several Chartered Institutions by the several Acts of Incorporation, and is highly impolitic and inexpedient, as likely to deter capital from being invested in those Institutions, which it is admitted have been highly useful to the agricultural and commercial interests of the Province.

Amendment lost.

The question having been put upon the motion of amendment, a division ensued, and it passed in the Negative.

4th Resolution carried.

The question being then put upon the fourth of the said Resolutions a division ensued and it was carried in the Affirmative.

5. Resolved, that a further sum be raised by a tax on distilleries in Lower Canada — <sup>22</sup>

6. Resolved, that a further sum be raised by a tax upon auction sales assimilating the duty in both sections of the Province — <sup>23</sup>

(517)

5th & 6th Resolutions carried, (Tax on Distilleries & Auctions.)

The fifth and sixth of the said Resolutions being again severally read, and the question being separately put thereon, they were agreed to by the House.

7. Resolved, that the following sums be granted for Class 2. Bay of Chaleurs Road £15,000; Gosford Road 10,000; Main Northern Road £30,000; Cascades to Coteau du Lac £15,000; Brantford to London £55,000; Thence to Port Sarnia £15,000; London to Chatham, Sandwich and Amherstburg £36,000 — <sup>24</sup>

8. Resolved, that the sum of £34,000 be granted to erect bridges between Quebec and Montreal — <sup>25</sup>

9. Resolved, that £58,500 be granted for Lake St. Peters (sic) — <sup>26</sup>

(517)

7th, 8th, & 9th Resolutions passed, (grants to class 2, Quebec Bridges, & L. St. Peter.)

The seventh, eighth and ninth of the said Resolutions being again severally read, and the question being separately put thereon, a division ensued, and they were carried in the Affirmative.



10th Resolution put  
(£376,612 to complete  
St. Lawrence.)

The tenth of the said Resolutions being again read, and the question being put thereon, a division ensued, and the names being called for, they were taken down as followeth : —

## YEAS.

<i>Aylwin,</i>	<i>Dunlop,</i>	<i>Moffatt, Hon. G. Simpson,</i>
<i>Baldwin,</i>	<i>Dunn, Hon. J.H. Morin,</i>	<i>Smith, (Went.)</i>
<i>Buchanan,</i>	<i>Dunscomb,</i>	<i>Morris,</i>
<i>Burnet,</i>	<i>Foster,</i>	<i>Neilson,</i>
<i>Chesley,</i>	<i>Harrison, Hon. S.B. Ogden, Hon. C.R. Taché,</i>	
<i>Child,</i>	<i>Hincks,</i>	<i>Parent,</i>
<i>Christie,</i>	<i>Holmes,</i>	<i>Parke,</i>
<i>Cook,</i>	<i>Killaly, Hon. H.H. Powell,</i>	<i>Turcotte,</i>
<i>Daly, Hon. D. Kimber,</i>		<i>Viger, Hon. D.B. Watts,</i>
<i>Day, Hon. C. D. McNab, Sir A.N. Quesnel,</i>		<i>Williams,</i>
<i>Derbshire,</i>	<i>McLean,</i>	<i>Robertson,</i>
<i>De Salaberry,</i>	<i>Merritt,</i>	<i>Roblin,</i>
<i>Draper, Hon. W.H.</i>		<i>Yule. — 49.</i>

(518)

## NOES.

<i>Cartwright,</i>	<i>Hopkins,</i>	<i>McDonald, (Pres.) Smith, (Front.)</i>
<i>Durand,</i>	<i>Johnston,</i>	<i>Small, (7).</i>

Resolution carried.

So it was carried in the Affirmative.<sup>27</sup>

**Mr. Harrison** then proposed that the sum necessary for the completion of the Macadamized Roads, which had been already begun, and not completed, and which would require about £140,000 (sic), and which had already been granted by former Acts of Parliament should be added.<sup>28</sup>

This was opposed by **Mr. Price**, on the ground as he stated that the Home District would be liable for any deficiency in the interest, which the roads called Provincial Roads would not pay.<sup>29</sup>

**Mr. Hincks** said if the hon. member for the 1st Riding of York intended to give such a vote, he was of course prepared to take the responsibility upon himself. Mr. Hincks explained the character of those roads, and their position in the country — that when their other works were completed gaps of 8, 10 and 12 miles would be left on the main line unimproved — and that too in some of the most travelled and important parts of the country. He pointed out the great injustice which would be done to the inhabitants of both the 1st and 4th Ridings of the County of York.<sup>30</sup> Mr. Hincks said that although the districts were willing to be taxed to pay for these roads, they could not raise funds, the object of this resolution therefore was to obtain the means of completing them, which notwithstanding their willingness, they could not otherwise do.<sup>31</sup>

**Mr. Baldwin** opposed the measure.<sup>32</sup>

**Capt. Steele** affirmed that the inhabitants of Simcoe contributed to enhance the value of all the property adjoining these roads, and that common gratitude ought to induce those, who resided in Toronto and its vicinity, to give the resolution every support and evince an interest for the settlers in the back country.<sup>33</sup> Capt. Steele... spoke of the distress and inconvenience which the inhabitants were exposed to for the want of the improvements of those roads. Many of the inhabitants who brought capital to Canada were mere "hewers of wood & drawers of water."<sup>34</sup>

**Mr. Buchanan** said that Mr. Price's objections were futile — that the road even now 14 miles of which cost £40,000, paid 6 per cent. and upwards — and as the remainder was to be plank road costing not over £1000 per mile — a large interest would be paid.<sup>35</sup>

**Sir Allan MacNab** made some allusion to the member for Oxford in reference to the apparent understanding between that gentleman and the treasury benches, which could not be very pleasing; insinuating that probably from his (Mr. Hincks') influence in the passage of the resolution through committee, he was a sleeping partner in the firm. Mr. Hincks' attacks upon others heretofore and his softened tone at this period, are said to be indicative of a

certain influence that has had an effect before now, upon men whose professions of disinterestedness were quite as vehement as those, with which the member for Oxford stands accredited.<sup>36</sup>

**Mr. Small** said that if **Mr. Hincks** had not brought the subject of these roads under the notice of the house, it was his decided intention to have done so.<sup>37</sup> ((He)) would also support the motion....<sup>38</sup>

**Mr. Merritt** said no member would oppose it if he understood the real state of the case.<sup>39</sup>

**Dr. Dunlop** bore testimony to the very defective state of these highways having he said been obliged on many occasions to risk his limbs in traversing them, frequently being obliged for safety to dismount his horse, drive him on before, and scramble through mud and various other obstructions the best way he could. For **Mr. Price's** expressed determination to vote against the resolution, he complimented that gentleman, observing that under the distinguished character of a modern Peter-the Hermit preaching a crusade against all improvements, he was entitled to the gratitude of the neighbouring farmers, most considerably struggling to insure to them like so many walking mud heaps, the perambulation of swamps in all their native luxuriance, secure from the effeminate smoothness of a macadamized road or the annoyance of a sixpenny turnpike.<sup>40</sup>

**Mr. Harrison** said that he had on more occasions than one, advocated the principle of these leading throughfares being made provincial roads.<sup>41</sup>

**Mr. Neilson** was of opinion that if any member of the house unconnected with the government could originate and carry a vote for £100,000 for particular roads, he should consider himself entitled to a similar amount for a road from Quebec to Ottawa.<sup>42</sup>

**Mr. Cartwright** said, it was asking for no additional sum, but merely for what had been granted upon debentures.<sup>43</sup>

**Mr. Receiver General ((Mr. Dunn))** informed the house that the debentures alluded to were not available, as they would fall upon Upper Canada alone, instead of both sections of the province, now provided by the Union Act.<sup>44</sup>

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11th. Resolution put,  
(£109,355 to complete certain roads.)

The eleventh and last of the said Resolutions being again read, and the question being put thereon, a division ensued, and the names being called for, they were taken down as followeth : —

#### YEAS.

<i>Buchanan,</i>	<i>Harrison, Hon. S.B. Merritt,</i>	<i>Smith, (Fron.)</i>
<i>Cameron,</i>	<i>Hincks, Parent,</i>	<i>Smith, (Went.)</i>
<i>Cartwright,</i>	<i>Holmes, Parke,</i>	<i>Steele,</i>
<i>Dunlop,</i>	<i>Killaly, Hon. H.H. Powell,</i>	<i>Thompson,</i>
<i>Dunn, Hon. J.H.</i>	<i>Kimber, Roblin,</i>	<i>Thorburn,</i>
<i>Durand,</i>	<i>McNab, Sir A.N. Small,</i>	<i>Woods. — 25.</i>
<i>Foster,</i>		

#### NOES.

<i>Aylwin,</i>	<i>Cook,</i>	<i>Moffatt, Hon. G. Simpson,</i>
<i>Baldwin,</i>	<i>De Salaberry,</i>	<i>Morin, Sherwood,</i>
<i>Bartie,</i>	<i>Draper, Hon. W.H. Neilson,</i>	<i>Taché,</i>
<i>Black,</i>	<i>Johnston, Price,</i>	<i>Turcotte,</i>
<i>Chesley,</i>	<i>McDonald, (Pres.) Quesnel,</i>	<i>Viger, Hon. D.B.</i>
<i>Child,</i>	<i>McLean, Raymond,</i>	<i>Yule. — 25.</i>
<i>Christie,</i>		

Resolution lost by  
casting vote of  
Speaker.

Loan Bill brought in.

And the votes being equally divided, **Mr. Speaker** gave his casting vote in the Negative.

*Ordered* — That **Mr. Attorney General Draper** have leave to bring in a Bill to facilitate the negotiation of a loan in England, and for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time to-morrow.

Bill to regulate import duties brought in.

*Ordered* — That the Honourable Mr. *Harrison* have leave to bring in a Bill to repeal certain Acts therein mentioned, and to consolidate the laws relating to the Provincial Duties to be levied on goods, wares and merchandize, imported into this Province.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time to-morrow.

Bank note duty Bill brought in.

*Ordered* — That Mr. Attorney General *Ogden* have leave to bring in a Bill for levying a certain rate of duty on Bank Notes, issued and in circulation in this Province.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time to-morrow.

Public Improvements appropriation Bill brought in.

*Ordered* — That Mr. Solicitor General *Day* have leave to bring in a Bill to appropriate certain sums of money for Public Improvements in this Province, and for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time to-morrow.

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Distilleries duty Bill brought in.

*Ordered* — That the Honorable Mr. *Harrison* have leave to bring in a Bill to impose a duty upon Distilleries in that part of the Province heretofore *Lower Canada*.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time to-morrow.

Auction duty Bill brought in.

*Ordered* — That the Honourable Mr. *Harrison* have leave to bring in a Bill to make certain alterations in the Laws relative to duty upon sales of property by auction.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time to-morrow.

Bill to repeal Ordinance requiring a pass read 2nd time.

A Bill to repeal an Ordinance passed by the Governor and Council of *Quebec*, in the 7th year of the Reign of His Majesty King GEORGE the Third, for preventing Persons leaving the Province without a pass, was, according to Order, read a second time.

Bill to be engrossed.

*Ordered* — That the said Bill be engrossed.

Order for House in Committee of supply on Message and report on Estimates, read.

The Order of the day for the House in Committee of supply to take into consideration the message of His Excellency the Governor General, relating to the estimates for the year ending 31st *December*, 1841, and on the Report of the Select Committee to which was referred so much of the message of His Excellency, the Governor General, as relates to the said estimates, together with the Documents connected therewith, being read,

Mr. *Neilson* moved, seconded by Mr. *Baldwin*,

Motion respecting appropriation by Imperial Parliament for support of Provincial Government.

That all aids and supplies granted to Her Majesty are the sole gift of the Assembly, and this House proceeds to consider of an aid or supply to be granted to Her Majesty, in the hope that justice will be done to the Inhabitants of this Province, in regard to an appropriation



made by the Parliament of the United Kingdom of *Great Britain and Ireland*, for the support of the Civil Government of this Province, out of the moneys levied on the subject therein.<sup>45</sup>

**Mr. Neilson** ((rose)) with a string of printed resolutions (sic), which he discharged into the house with the effect of so many hand grenades. The hon. member for Quebec said that whatever might be the opinion of the house relative to them, for his own part, he entirely approved of them.<sup>46</sup>

**Sir Allan MacNab** favoured the house on the occasion, with a prophecy from his budget, that in the next session of Parliament there would not be found *ten members* who would *dare* to vote for the civil list, as provided by the Union Act. What the wondrous acts of the next session will be, must remain buried in the wombs of futurity, until that eventful period arrives, to shed abroad with a dazzling lustre those rays of legislative wisdom, which have hitherto operated as regards many of our luminaries, with the genial obscurity of a dark lantern.<sup>47</sup>

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Amendment moved.

**Mr. Hincks** moved, in amendment, seconded by **Mr. Dunlop**,

That all the words after "that" in the said motion be struck out, and the following substituted "it is the undoubted right of the Assembly to grant all aids and supplies to Her Majesty, as well for the support of the Civil Government of the Province as for all other purposes whatsoever."

((**Mr.**)) **Johnston** ... supported the resolution in opposition to the amendment and the act of union.<sup>48</sup>

((**Mr.**)) **Merritt** ((also)) supported the resolution in opposition to the amendment and the act of union.<sup>49</sup>

**Mr. Moffatt** expressed his determination to oppose both amendment and resolution. The hon. member was of opinion that we should have a permanent civil list, otherwise the popular branch, might eventually become too powerful. He would vote he said for the Union Act, until he saw the country in a more settled state.<sup>50</sup>

**Sir Allan MacNab** was for a civil list to a certain extent, for a term of years.<sup>51</sup>

**Mr. Baldwin**: Arbitrary, unjust, unconstitutional, and oppressive ((he described)) the Union Act and the Imperial Parliament for having sanctioned it — The hon. ((member spoke)) against the apportionment of representation....<sup>52</sup>

**Mr. Buchanan**, in answer to the hon. and learned member for Hastings, (**Mr. Baldwin**), did not hesitate in the face of the country and of the house to stand up for a fixed civil list, though not to justify the particular amount which the Imperial Parliament had adopted. And he would tell that hon. gentleman that except the union bill contains a fixed civil list, neither he (**Mr. Buchanan**) nor any of his friends would have been found among the advocates for responsible government. He would give the people in the respective colonies the working of the machinery of government, but not the power to stop it; and therefore he must approve of a fixed and permanent civil list, while he remained satisfied that we have really responsible government in Canada, that in fact the Executive will not remain in office after the Assembly has voted against it a want of confidence. The hon. member for Montreal (**Mr. Moffatt**) advocated a civil list, in the circumstances in which this colony had been, but he (**Mr. Buchanan**) was of opinion that in any circumstances, representative institutions and responsible government could not be safely granted to any colony, without a fixed civil list being first secured. With practical responsibility in the executive no practical evil could result from a fixed civil and permanent list. Without such responsible government, the people would not be satisfied with a fixed civil list, nor indeed could we expect any harmony whatever, even if every popular theoretical concession were yielded to the colony by the British government. He (**Mr. Buchanan**) held that Canadian public opinion should indicate in a constitutional manner, (by vote of the lower house) who should fill the offices of government in the colony; but he would never consent that the existence of the offices necessary for the carrying on of the government, on a permanent footing should be affected by other than the Imperial Parliament, or British public opinion.<sup>53</sup>

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The question having been put upon the said motion of amendment, a division ensued, and the names being called for they were taken down as followeth : —

## YEAS.

<i>Cook,</i>	<i>Gilchrist,</i>	<i>Morris,</i>	<i>Small,</i>
<i>Dunlop,</i>	<i>Hincks,</i>	<i>Powell,</i>	<i>Smith, (Front.)</i>
<i>Dunscomb,</i>	<i>Hopkins,</i>	<i>Roblin,</i>	<i>(11).</i>

## NOES.

<i>Aylwin,</i>	<i>Christie,</i>	<i>Holmes,</i>	<i>Moffatt, Hon. G.</i>
<i>Baldwin,</i>	<i>Daly, Hon. D.</i>	<i>Johnston,</i>	<i>Morin,</i>
<i>Barthe,</i>	<i>Day, Hon. C. D.</i>	<i>Killaly, Hon. H.H.</i>	<i>Neilson,</i>
<i>Black,</i>	<i>De Salaberry,</i>	<i>Kimber,</i>	<i>Ogden, Hon. C.R.</i>
<i>Buchanan,</i>	<i>Draper, Hon. W.H.</i>	<i>MacNab, Sir A.N.</i>	<i>Parent,</i>
<i>Burnet,</i>	<i>Dunn,</i>	<i>McDonald, (Pres.)</i>	<i>Parke,</i>
<i>Cameron,</i>	<i>Durand,</i>	<i>McDonald, (Glen.)</i>	<i>Price,</i>
<i>Cartwright,</i>	<i>Foster,</i>	<i>McLean,</i>	<i>Quesnel,</i>
<i>Chesley,</i>	<i>Harrison, Hon. S.B.</i>	<i>Merritt,</i>	<i>Robertson,</i>

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<i>Ruel,</i>	<i>Steele,</i>	<i>Turcotte,</i>	<i>Williams,</i>
<i>Sherwood,</i>	<i>Taché,</i>	<i>Viger, Hon. D.B.</i>	<i>Woods,</i>
<i>Simpson,</i>	<i>Taschereau,</i>	<i>Watts,</i>	<i>Yule. — 49.</i>
<i>Smith, (Front.)</i>			

Amendment lost.

Another amendment moved.

So it passed in the Negative.

Mr. Attorney General *Draper* then moved, in amendment to the main motion, seconded by the Honourable Mr. *Harrison*,

That all the words after "that" in the said motion be struck out, and the following substituted, "during the first Session of the Parliament of the Province of *Canada* under the Act of Union, it is not expedient to enter into any discussion of the principles upon which that measure was framed, or to express a premature condemnation of its detail."

Mr. *Draper* was of opinion that the first session ought to be permitted to pass, without any expression upon the Union Act — giving time for prejudices to soften down, and for a cool dispassionate opinion to be formed upon it, the result of experience, not passion, theory and declamation. The provision with respect to the civil list, he did not regard as the *rule* of right, but as the *exception*. Whatever his opinions upon the subject might be, or whether they might militate against his retention of office, he would reserve to himself the right of expressing them when a proper occasion called for it. The hon. member spoke at some length with his accustomed fluency moving an amendment, to the effect of postponing the consideration of the subject till the ensuing session, when time would have in some measure matured opinions that could now only be hazarded with a rashness that might be productive of confusion and disunion.<sup>54</sup>

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On motion of the Honourable Mr. *Harrison*, seconded by Mr. *Cartwright*,

Consideration of question postponed till to-morrow.

*Ordered* — That the said Order of the day, as well as the consideration of the main motion now offered, and amendment proposed thereto, be postponed until to-morrow, and that the same be then the first Order of the day.

On motion of the Honourable Mr. *Harrison*, seconded by Mr. Solicitor General *Day*,

Order for House in Committee on Message on Public Improvements postponed.

*Ordered* — That the Order of the day for the House in Committee to take into consideration the message of His Excellency, the Governor General, relative to public improvements, together with the documents accompanying the same, and other references, be postponed until *Thursday* next.

Message from Leg.  
Council.

A message from the Legislative Council by *John Godfrey Spragge*, Esquire, Master in Chancery.

MR. SPEAKER,

Bill to amend Usury  
Laws sent down for  
concurrence.

The Legislative Council have passed a Bill, entitled "*An Act to amend the Usury Laws*," to which they desire the concurrence of the Assembly,

And also,

LEGISLATIVE COUNCIL, TUESDAY, 7TH SEPTEMBER, 1841.

Leave granted to Hon.  
Mr. Macaulay to at-  
read 1st. time.

*Ordered* — That the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council do give to the Honourable *John Macaulay*, leave to go to the Committee of the Legislative Assembly, appointed to enquire into the accounts of the Collectors of Customs in this Province, to-morrow, at nine o'clock in the forenoon, to be examined on the subject of the said reference, if he think fit.

And then he withdrew.

Bill to amend usury  
Laws (Leg. Council)  
read 1st. time.

An engrossed Bill from the Legislative Council, intituled "*An Act to amend the Usury Laws*" was read for the first time.

Message from  
His Excellency,

The Honourable *S. B. Harrison*, one of Her Majesty's Executive Council, delivered to Mr. Speaker two messages from His Excellency, the Governor General, signed by His Excellency.

And the said messages were read by Mr. Speaker, all the Members of the House being uncovered, and are as followeth : —

SYDENHAM,

Message with Report  
of King's College  
Council on School  
Lands in U. C.

The Governor General transmits, for the information of the House of Assembly, a Report drawn up by the Committee of King's College Council, appointed, on the 26th *February*, 1840, to investigate and Report on the state of the School lands in the late Province of *Upper Canada*, together with the various Documents which accompany that

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Report ; that the House may have an opportunity of considering them in connexion with the measures now before them relative to education.

Kingston, 7th September, 1841.

For the Report referred to, in the preceding message, See Appendix (K. K.)

SYDENHAM,

Message recommend-  
ing payment of sum  
due Steam Dredge  
Commissioner.

The Governor General recommends to the House of Assembly to take into consideration the expediency of providing for the payment of the amount due to *David Thorburn*, Esquire, one of the Commissioners appointed under the Acts of the Parliament of the Province of *Upper Canada*, 5, WILLIAM 4, Cap. 30, & 6, WILLIAM 4, Cap. 46, for the purchase of a Dredging Machine, amounting to £446 4 2, with the view of the Machine and its appurtenances being in future placed under the superintendence of the Board of Works.

Kingston, 7th September, 1841.

Statement of Salaries  
borne on Revenue of  
U. & L. Canada &c.  
to be printed.

*Ordered* — That the return to the address of this House to His Excellency, the Governor General, of the 11th of *August* last, praying for a detailed statement of all salaries borne on the incomes of *Lower Canada* and *Upper Canada*, and the consolidated income of the Province of *Canada*, be printed for the use of the Members of this House.

At 5 o'clock Mr. Speaker declared the House adjourned, until 7 o'clock, P. M.



7 o'clock, P. M.

House in Com. on  
Gaspé Justice Bill.

The Order of the day for the House in Committee on the Bill to make more ample provision than heretofore, for the due administration of justice in the Territorial division of *Gaspé*, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Parke*, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Bill reported with  
amendments.

And Mr. *Parke*, reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

House in Com. on  
Indexing Journals of  
Assembly of U. & L.  
Canada.

The Order of the day for the House in Committee to consider the expediency of causing a general Index to be made to the Journals of the House of Assembly of the late Provinces of *Lower* and *Upper Canada*, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Watts* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Resolutions reported.

And Mr. *Watts* reported, that the Committee had come to several Resolutions, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

House in Com. on  
amending Quebec  
Corporation  
Ordinances.

The Order of the day for the House in Committee on the Bill to amend certain Ordinances therein mentioned, relative to the Incorporation of the City of *Quebec*, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Dunscomb* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. *Dunscomb* reported, that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table, and agreed to by the House.

Bill to be engrossed.

*Ordered* — That the said Bill, as amended, be engrossed.

House in Com. on  
Timber inspection  
Bill.

The Order of the day for the House in Committee on the Bill to regulate the inspection and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, in the Ports of *Quebec* and *Montreal*, and for other purposes relative to the same, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Foster* took the chair of the Committee.

Mr. *Cameron* said he anticipated great opposition to this measure, as wealth and power was arrayed against right. As the Lumber trade was the staple trade of the Province, he hoped the House would give it their most serious consideration. It was an export trade amounting to £1,500,000, and that was an amount involving interests not to be treated lightly. At present, the measurement, culling &c. was performed by the hired servant of the merchant, and all that he sought was, that it should be placed in the hands of a sworn measurer, who should be appointed by a Board, the head of which should be responsible to the Government, for the efficiency of those he employed.<sup>55</sup>

Mr. *Black* said, that if the House gave into this measure, they would stultify their own proceedings, as in the case of provisions and flour, they had already resolved that inspection should be optional with the parties; now, why should the inspection of provisions be optional, and that of lumber compulsory? <sup>56</sup>

Mr. *Cameron* said there was nothing compulsory to be found in the Bill; that it was meant merely to do justice between man and man; that he considered that a sworn culler,

who had no interest in either party, would be more likely to do justice, than a man whose livelihood depended on doing what his master approved.<sup>57</sup>

**Mr. Johnston** thought the poor man who made the lumber got no justice; favour was on the side of the merchant, who bought it — he kept a culler of his own, whom he paid £150 per annum, and by his favouring his principal, he pocketed £2,500 a year; that culler had to do as he was bid, and sometimes he used a *French* tape; and French measure being considerably more than English, lumber turned out, when measured by the merchant to the shipper, considerably more than when measured by the lumberman to the merchant.<sup>58</sup>

**Mr. Moffatt** — The Bill proposed was not only different, but opposite to his own Inspection Bill for provisions and flour — his only went the length of making inspection of flour and provisions optional, — this made it compulsory. He considered this Bill as interfering with the liberty of commerce — on agreement between the parties ought to supersede the necessity of any interference of a Government officer. One inconsistency of the Bill before the Committee was, that it was compulsory as to quantity not to quality.<sup>59</sup>

**Mr. Cameron** denied that it was either one or the other — there was no compulsion of any kind to be found in the Bill.<sup>60</sup>

**Dr. Dunlop** — What was sought by the Bill was nothing new. In the ports of the Tyne and the Wear, there were coal meiers (sic), who were to see justice done between the owner of the coal works and the shipper. In the port of London there were corn meters, to do justice between the importer and the purchaser, and this Bill required nothing more than that, if either party chose, they might call in an indifferent party to judge between them.<sup>61</sup>

**Mr. Derbishire** — If the merchant did full justice to the lumberer at present, why object to measurement? It surely could do the former no harm — on the contrary, it would shew that the imputations against him were groundless. Instead of going round the matter, he infinitely preferred going at once into the measure on its merits.<sup>62</sup>

**Mr. Cameron** moved the first clause.<sup>63</sup>

**Mr. Aylwin** objected entirely to fettering trade by Government restrictions. What had made Great Britain so great a nation, but the entire freedom of the trade? He objected, moreover, to adding patronage to the Executive in appointing such an officer, seeing that it had more patronage already, than was at all consistent with the well-being of the community. His professional business had led him to the knowledge, that great frauds were practised by the Quebec merchants on the lumbermen — but the lumber trade was a series of roguery from top to bottom. He would allow no merchant to employ only one culler; if he did so, that one would necessarily identify his interests with those of his employer. But one set of persons had been overlooked in this Bill; there was no provision to do justice to the axe-man, on whose labour the lumberer and the merchant fattened, and he was more useful to the community than both lumberman and merchant put together. If he was deprived of his wages, as the law now stood, he had to seize the whole raft, and give security to twice the amount of its value. Was this fair — a poor man, a stranger in Quebec, had £30 due him for labour, and before he could recover it against a rich man, he had to find security to the amount, perhaps, of £10,000. There ought, in the Bill, to be a summary remedy for this; lumber was necessary for the trade of the Colony, but it was a fruitful source of fraud and immorality in the axe-man, the lumber-man, and the merchant who was the greatest rogue of the lot.<sup>64</sup>

**Dr. Dunlop** was much obliged to the Hon. and learned Member for his exposition of the law, as he and his brethren of the Upper Province always supposed, that the labourer had an easy lien on the raft, and that it could not be transferred until his just claims were satisfied.<sup>65</sup>

**Mr. Aylwin** (in continuation) — The axe-men were the parties who really did good to the country, and the sympathies of all good men were engaged on the side of the poor labourer, and he, for one, would never vote for a Bill, that did not make inspection voluntary, and provide an easy and summary remedy for the poor labourer, whose patient industry had created the property which enriched the lumberman and the merchant.<sup>66</sup>

**Mr. Johnston** said, the Hon. and learned Member was entirely out in his law — the law he spoke of had been repealed, and the labourer could now seize, and sell, just so many cribs

of the raft as would satisfy his demands on his employer. The Hon. gentleman had asserted that every one engaged in the lumber trade were rogues; if so, the lawyer was the greatest rogue of the lot, for he would protect, without reference to their respective roguery, whichever rogue paid him best. All that the lumbermen wanted, was to know what they were doing — instead of giving them 8d. per foot, at the merchant's own measurement, let them give 6d. a foot for a just measurement, such as that insisted on from the shipper. The Member for Portneuf's opposition to the Bill, he considered factious, and arising entirely from his hope to be employed by the Quebec merchants.<sup>67</sup>

**Mr. Aylwin** — The Supervisor proposed would add to Government patronage.<sup>68</sup>

**Mr. Johnston** — No matter, his proceedings would be watched by the Board of Trade.<sup>69</sup>

**Mr. Aylwin** read the clause, and said he hoped that Mr. Johnston would be consistent, and oppose it. He was sincere in his opinions, and was influenced by no selfish motive. He never would vote for a Bill that made culling and measurement compulsory.<sup>70</sup>

**Mr. Cameron** defied him to show that there was any thing compulsory in the Bill before the Committee.<sup>71</sup>

**Mr. Aylwin** repeated that the axe-men had no lien on the raft, except by seizing the whole, and giving to the Sheriff double security.<sup>72</sup>

**Messrs. Aylwin and Cameron** now got extremely disorderly — many took advantage of this, and slipped off, leaving the House without a quorum...<sup>73</sup>

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Several Members having retired,

Mr. Speaker resumed the chair.

The names of the members present were taken down as followeth : —

Mr. Speaker,

*Mr. Black, Mr. Cameron, Mr. Solicitor General Day, Mr. Dunlop, Mr. Gilchrist, Mr. J. S. MacDonald, Mr. Simpson, Mr. Harmanus Smith, Mr. Steele, and the Honourable Mr. Viger.*

No Quorum.

And at half past 10 o'clock at night, Mr. Speaker adjourned the House for want of a Quorum.

Footnotes — 7 September 1841.

1. The remarks made about this motion were reported by: KINGSTON CHRONICLE, 11 September 1841, which contained a report identical to that of MONTREAL GAZETTE, 11 September 1841; BRITISH COLONIST, 15 September 1841.

2. KINGSTON CHRONICLE, 11 September 1841.

3. IBID.

4. The debate on the first Resolution was reported by: KINGSTON CHRONICLE, 11 September 1841, which contained the same report as MONTREAL GAZETTE, 11 September 1841; BRITISH COLONIST, 15 September 1841; LE CANADIEN, 10 September 1841.

5. BRITISH COLONIST, 15 September 1841.

6. KINGSTON CHRONICLE, 11 September 1841.

7. IBID.

8. IBID.

9. IBID.

10. IBID.

11. BRITISH COLONIST, 15 September 1841.

12. IBID. According to KINGSTON CHRONICLE, 11 September 1841, "Mr .Christie spoke in favour of the Resolution but could not be heard in the Reporter's (sic) gallery."

13. KINGSTON CHRONICLE, 11 September 1841.

14. IBID.

15. IBID.

16. IBID.

17. IBID.

18. BRITISH COLONIST, 15 September 1841.

19. IBID.

20. IBID.

21. KINGSTON CHRONICLE, 11 September 1841.



22. BRITISH COLONIST, 15 September 1841.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. The debate which occurred on the Resolution which followed this division was reported by : BRITISH COLONIST, 15 September 1841 ; EXAMINER, 15 September 1841, which contained the same report as KINGSTON CHRONICLE, 11 September 1841 ; MONTREAL GAZETTE, 11 September 1841, containing the same report as that of KINGSTON CHRONICLE, 11 September 1841, and EXAMINER, 15 September 1841, except that only T.C. Aylwin's speech is reported.
28. KINGSTON CHRONICLE, 11 September 1841.
29. IBID.
30. IBID.
31. BRITISH COLONIST, 15 September 1841.
32. KINGSTON CHRONICLE, 11 September 1841.
33. BRITISH COLONIST, 15 September 1841.
34. KINGSTON CHRONICLE, 11 September 1841.
35. IBID.
36. BRITISH COLONIST, 15 September 1841.
37. IBID.
38. KINGSTON CHRONICLE, 11 September 1841.
39. BRITISH COLONIST, 15 September 1841.
40. BRITISH COLONIST, 15 September 1841.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. The debate on this and subsequent Resolutions and amendments was reported by : BRITISH COLONIST, 15 September 1841 ; MONTREAL GAZETTE, 14 September 1841 ; LE CANADIEN, 10 September 1841. The MONTREAL GAZETTE, commented on this part of the debate : "The first of these resolutions led to a rambling discussion on the Union Bill, in which Hon. members expressed their opinions pretty generally against some of the details of the Bill, especially that granting the civil list, while they were in favour of giving the bill a fair trial, and unwilling that any opinion on it should be at the present time, expressed." LE CANADIEN remarked that : "De longs et vifs débats s'élevèrent...."
46. BRITISH COLONIST, 15 September 1841.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. MONTREAL GAZETTE, 13 September 1841.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. IBID.
65. IBID.
66. IBID.
67. IBID.
68. IBID.
69. IBID.
70. IBID.
71. IBID.
72. IBID.
73. IBID.

## Wednesday, 8 September 1841.

*Petitions brought up.*

A. Jobin.

A. Gardiner,  
and others.J. Chep,  
and others.

S. Lelièvre.

Bill to repeal Ordinance requiring a pass, passed.

Amendments of Leg. Council to Magdalen Islands Judicature Bill, as amended, passed.

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The following Petitions were severally brought up and laid on the table : —

By Mr. Morin — The Petition of *André Jobin*, of *St. Geneviève*, in the District of *Montreal*, Notary.By Mr. Morris — The Petition of *A. Gardiner*, and others, inhabitants of the Townships of *Nicol* and *Garafraxa*, County of *Waterloo*, and Districts of *Wellington*; and the Petition of *James Chep*, and others, inhabitants of *West Flamborough* and *Ancaster*, in the District of *Gore*.By Mr. Black — The Petition of *Simeon Lelièvre*, of the City of *Quebec*.An engrossed Bill to repeal an Ordinance passed by the Governor and Council of *Quebec*, in the 17th year of the Reign of His Majesty King GEORGE the Third, for preventing persons leaving the Province without a Pass, was read for the third time.*Resolved* — That the Bill do pass.*Ordered* — That Mr. *Black* do carry the said Bill to the Legislative Council, and request their concurrence.On motion of Mr. *Christie*, seconded by the Honourable Mr. *Viger*, *Ordered* — That the amendments made by the Legislative Council to the Bill intituled "*An Act to provide temporarily for the administration of Justice in the Magdalen Islands, in the Gulf of St. Lawrence*," as amended, be now read for the third time.

The said amendments were accordingly read for the third time.

*Resolved* — That the said amendments, as amended, do pass.*Ordered* — That Mr. *Christie* do carry back the said Bill to the

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Legislative Council, and acquaint their Honours that this House hath agreed to their amendments, with several amendments, to which they desire their concurrence.

*Petitions read.*Of J. Portt,  
& others.Of J. R. Forsyth, and  
others, (Kingston Mechanic's Institute.)Of B. Thorne, and  
others, (Home Dist. Turnpike Trust.)Of Rev. A. Mann,  
and others.Of J. Paris,  
and others.Of Allen Stewart,  
and others.

Pursuant to the Order of the day, the following Petitions were read : —

Of *John Portt*, and others, inhabitants of the Townships of *Tyendinaga* and *Richmond*, praying for a grant of £200, to be laid out on a certain road.Of *John R. Forsyth*, and others, the Committee of Management of the *Kingston Mechanic's Institute*, praying for a sum of money to further the objects of the Institution.Of *Benjamin Thorne*, and others, Commissioners of the *Home District Turnpike Trust*, praying that a certain portion of the Act establishing the said Trust, be repealed.Of the Reverend *Alexander Mann*, and others, inhabitants of the Township of *Packenham*, praying that the Scriptures may be used as a Class Book in Schools and Seminaries.Of *John Paris*, and others, inhabitants of the Townships of *McNab* and *Horton*, praying the same.Of *Allan Stewart*, and others, inhabitants of the Township of *McNab*, setting forth certain charges against the Chief *McNab*, and praying relief.

Of P. Glasford,  
and others.

Of S. Rowlands.

Com. on Bill for  
recovery of small  
debts in Canada E.,  
report Bill as  
amended.

Bill referred to Com.  
of whole to-morrow.

Order for printing  
report on McNab,  
settlement, rescinded.

Report on McNab  
settlement referred  
to Select Committee.

Of *Paul Glasford*, and others, of the Town of *Brockville*, praying that the Act incorporating the said Town be repealed.

Of *Samuel Rowlands*, of the Town of *Niagara*, Printer, praynig remuneration for loss said to be sustained through the violation of a certain contract.

Mr. Attorney General *Ogden*, from the Select Committee to which was referred the Bill to provide for the more easy and expeditious administration of Justice in Civil Causes, and matters involving small pecuniary value, in that part of this Province heretofore *Lower Canada*, reported that the Committee had gone through the said Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table.

*Ordered* — That the said Bill and Report be referred to a Committee of the whole House to-morrow, and that it be then the first order of the day.

On motion of Sir *Allan MacNab*, seconded by Mr. *Cartwright*,

*Ordered* — That the Order of this House of yesterday, that 300 copies of the Report of the Agent of the *Bathurst* District, relative to the Township of *McNab*, together with the remarks and letter of the Chief *McNab*, relative to the said Report, be printed for the use of the members of the House, be rescinded; and that the said Documents be referred to a Committee of seven members, to report thereon with all convenient speed; with power to send for persons, papers and records.

*Ordered* — That Sir *Allan MacNab*, Mr. *Cameron*, Mr. *Dunlop*, Mr. *Thorburn*, Mr. *Quesnel*, Mr. *Buchanan*, and Mr. *Parke*, do compose the said Committee.

Mr. *Small* rose and said, he hoped the House would indulge him with the attention of its Members for a few minutes, on a subject which he considered highly important and interesting — though of a very unusual nature. He meant an address of condolence to His Excellency the Governor General upon his late accident. — (*Hear, hear.*) He believed it was the first occasion in which an accident of the kind had occurred, to demand an expression of feeling on the part of the House in this Province, but he thought it to be so proper a measure in itself, that he felt it to be his duty to proceed with it.<sup>1</sup>

Sir *Allan MacNab* thought it irregular, as a notice ought to have been given, and Members should have had time to make up their minds on the subject.<sup>2</sup>

Mr. *Cameron* said a notice had been given.<sup>3</sup>

Mr. *Baldwin* thought it ought to be deferred, and wished to know who had given notice of the motion.<sup>4</sup>

Mr. *Cameron* said he had done so.<sup>5</sup>

Sir *Allan MacNab* thought it was irregular that Mr. *Small* should move for the address. He had no doubt that the Hon. and learned Member would withdraw his motion reluctantly, as it was one very likely to be remembered. — (*A laugh.*)<sup>6</sup>

Mr. *Small* said he would withdraw it, provided Mr. *Cameron* would move another.<sup>7</sup>

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Mr. *Cameron* moved, seconded by Mr. *Williams*,

Address condoling  
with His Excellency  
on his late accident,  
ordered.

That an humble Address of condolence be presented to His Excellency, the Governor General, assuring His Excellency that this House feel a lively sympathy in the serious accident sustained by His Excellency, and that they participate, with the community at large, in an anxious solicitude for his speedy recovery.



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The question having been put upon the said motion, a division ensued, and it was carried in the Affirmative.<sup>8</sup>

*Resolved* — Accordingly.

*Ordered* — That the said Address be presented to His Excellency by such members of this House as are of the Honourable the Executive Council of this Province.

Leave of absence to  
to Mr. Moffatt.

*Ordered* — That the Honourable Mr. *Moffatt* have leave to absent himself from this House, until the end of the present Session, on urgent business.

On motion of Mr. *Small*, seconded by Mr. *Williams*,

Further leave to Com.  
on election for  
Niagara, to  
adjourn.

*Ordered* — That the Committee appointed to try the merits of the Petition of *Robert Mellville* and *John McBride*, Electors of the Town of *Niagara*, complaining of the undue election and return of *Edward Clarke Campbell*, Esquire, sitting member for the said Town of *Niagara*, have leave to adjourn until *Monday* next — the Report of the Commissioners appointed to take evidence in the matter of the said contested election, not having been received.

On motion of Mr. *Thorburn*, seconded by Mr. *Dunlop*,

House to go into  
Com. to-morrow, to  
provide for payment  
of contingencies of  
last Session of U. C.

*Resolved* — That this House will, to-morrow, resolve itself into a Committee of the whole House to take into consideration the expediency of providing for the balance of the Contingent Expenses of the last Session of the Legislature of *Upper Canada*.

On motion of Mr. *Merritt*, seconded by Mr. *Thorburn*,

House to go into  
Com. on the Niagara  
and other Bank Bills  
at 7 o'clock.

*Ordered* — That the Order of the day for the House in Committee, on the Bill to Incorporate sundry persons under the style and title of the President, Directors and Company of the Bank of the *Niagara* District, be the first order of the day for this Evening's sitting, and that Committees of the whole on the several other Bank Bills do follow in succession.

On motion of the Honorable Mr. *Harrison*, seconded by Mr. *J. S. Macdonald*,

Message on balance  
due to Steam Dredge  
Commissioners, re-  
ferred to Com. of  
whole on report on  
Steam Dredge.

*Ordered* — That the Message of His Excellency, the Governor General, of yesterday, relative to the amount due to *David Thorburn*, Esquire, as Commissioner to purchase the Steam Dredging Vessel, be referred to the Committee of the whole House on the Report of the Special Committee to which was referred the Report of the Commissioner of the Provincial Steam Dredging Machine.

On motion of the Honorable Mr. *Harrison*, seconded by Mr. *Roblin*,

Usury Law repeal Bill  
(Leg. Council) to be  
read 2nd time  
to-morrow.

*Ordered* — That the engrossed Bill from the Legislative Council, intituled "*An Act to amend the Usury Laws*," be read a second time to-morrow.

Chairman of Com. of  
whole on Gaspé  
justice Bill reports  
amendments to Bill.

Mr. *Parke*, from the Committee of the whole House on the Bill to make more ample provision than heretofore for the due administration of Justice in the Territorial Division of *Gaspé*, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Bill to be engrossed.

*Ordered* — That the said Bill, as amended, be engrossed.

Chairman of Com. of  
whole on Indexing  
Journals of Assembly  
of U. and L. Canada,  
reports resolutions.

Mr. *Watts*, from the Committee of the whole House to consider the expediency of causing a general Index to be made to the Journals of the House of the Assembly of the late Provinces of *Upper* and *Lower Canada*, reported, according to order, the Resolutions of the said Committee, which Resolutions were again read at the Clerk's table, and agreed to by the House, and are as followeth:—

1st Resolution.

*Resolved* — That it is expedient to authorize the Clerk of this House

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to cause a general Index to be made to the Journals of the House of Assembly of the late Provinces of *Upper* and *Lower Canada*.

2nd Resolution.

*Resolved* — That the Speaker of this House be authorized to advance, from time to time, to the Clerk of this House, out of the Contingent Funds of this House, such sum or sums of money as he shall deem necessary to facilitate the work.

Bill for holding Dist. and Division Courts in Simcoe, read 2nd time.

A Bill to authorize the holding of District Courts and Division Courts in and for the County of *Simcoe*, was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House to-morrow.

Bill appointing additional Commissioners on late Kingston Bank read 2nd time.

A Bill to appoint additional Commissioners to settle the affairs of the late pretended Bank of *Upper Canada*, at *Kingston*, was, according to order, read a second time.

*Ordered* — That the said Bill be engrossed.

Bill to be engrossed.

Bill to extend time for completing Port Dover Harbour read 2nd time.

A Bill to extend the time limited by Law for the construction and completion of the *Port Dover* Harbour, was, according to order, read a second time.

*Ordered* — That the said Bill be engrossed.

Bill to be engrossed.

Order for 2nd reading of Bill to define limit of Norfolk postponed.

The Order of the day for the second reading of the Bill to define the *Westerly* limit of the County of *Norfolk*, being read,

*Ordered* — That the said Order of the day be postponed until to-morrow.

Loan Bill read 2nd time.

A Bill to facilitate the negotiation of a loan in *England*, and for other purposes therein mentioned, was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House to-morrow.

Bill to regulate customs Duties read 2nd time.

A Bill to repeal certain Acts therein mentioned, and to consolidate the Laws relating to the Provincial Duties to be levied on Goods, Wares and Merchandize, imported into this Province was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House to-morrow.

Bank note Duty Bill read 2nd time.

A Bill for levying a certain rate of duty on Bank Notes issued and in circulation in this Province, was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House to-morrow.

Public Improvements appropriation Bill read 2nd time.

A Bill to appropriate certain sums of money for Public Improvements in this Province, and for other purposes therein mentioned, was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House to-morrow.

Distilleries Duty Bill read 2nd time.

A Bill to impose a duty upon Distilleries in that part of the Province heretofore *Lower Canada*, was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House to-morrow.

Auction Sales Duty Bill read second time.

A Bill to make certain alterations, in the Laws relative to duty upon sales of property by auction, was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House to-morrow.

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House in Com. on  
Timber inspection  
Bill.

The Order of the day for the House in Committee on the Bill to regulate the inspection and measurement of timber, masts, spars, deals, staves, and other articles of a like nature, in the Ports of *Quebec* and *Montreal*, and for other purposes relative to the same, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Williams* took the chair of the Committee.<sup>9</sup>

Mr. *Cameron* moved the second clause.<sup>10</sup>

Mr. *Neilson* objected strongly to the disorderly mode in which the debate of the previous evening had been conducted — so disorderly indeed, that he could not tell what was and what was not resolved. The question in hand involved two great interests — that of the procurer of the lumber, and the purchaser. The Bill before the House was drawn exclusively by the former class, and must necessarily be supposed to favor their interests rather than those of their opponents — and seemed to aim at compelling a measurement whether either would or would not. He was ready to admit that where men disagree, it was necessary to the ends of justice that there should be an impartial party to judge between them, but he deprecated such interference where they were of one opinion; more especially as this Bill would entail a heavy expense on the trade, which expense must be paid by the consumer on the other side of the Atlantic, and would go so far to encourage the rivalry of foreign nations in the lumber trade, as to do away with the virtual premium which the mother country had granted to us. There were other clauses which he thought required modification, but those he would advert to as they were brought up.<sup>11</sup>

Mr. *Cameron* would freely admit that the discussion of last night was tumultuous and disorderly, but recommended that they should let *by ganes be by ganes* — he once more insisted that there was nothing compulsory in the Bill, and was willing that that should be stated by any clause which the opponents should choose to introduce. If, as the hon. member for *Quebec* has stated, it was a tax — the men who had in a few years acquired immense fortunes were better able to pay a tax, than those poor lumbermen whom they despoiled. The people of *Quebec* had agreed to it, and they ought to know their own interests, and he cited among others, Messrs. *Deane & Gilmour*. The people in the lumber trade were (all things considered) just about as honest men as any other men engaged in commerce.<sup>12</sup>

Mr. *Black* moved that the Petition of the *Quebec* Board of Trade be read, which was agreed to...<sup>13</sup>

Mr. *Cameron*. — This was only the old Bill amended, and instead of adding expenses as Mr. *Neilson* had asserted, it clearly tended to diminish them.<sup>14</sup>

Mr. *Johnston*. — The whole Board of Trade were merchants, and that balanced at any rate Mr. *Neilson's* objections to the Bill having been drawn by lumber men, and more than counterbalanced it.<sup>15</sup>

Mr. *Black* had no objection to impartial judges.<sup>16</sup>

Mr. *Johnston*. — *Quebec* merchants took a mortgage on the farms and buildings of the lumberman — and then after having furnished him with the provisions, &c. necessary for his undertaking, at 100 per cent. profit — got the raft into his boom, and compelled him to take what prices he chose to give. In selling a raft there was no bulking — every stick had to be measured separately, and if the merchant had his own hired servant to measure it, the poor lumberman must necessarily go to the wall. All that the lumberman required was to know what he was doing, and what he was to get credit for — he only wanted to get what was accorded to the buyers of tea and sugar — 16 ounces to the lb.<sup>17</sup>

Clause 16 produced some discussion — the salaries of the Supervisor of Cullers being provided for in it, to the amount of £750 per annum. — Many hon. members appeared to regard the remuneration in a very extravagant light. — Among these were Messrs. *Black*, *Neilson*, *Viger*, and *Small*.<sup>18</sup>

An opposite view of it, however, was taken by Messrs. *Cameron* and *Johnston*, who very justly contended that in order to have a competent person to fill an important office, and a



man of integrity, it was necessary to pay him well, otherwise no one of any standing would be found to accept of it.<sup>19</sup>

Upon the motion of **Mr. Small** it was then reduced to £500, the supervisor at the same time being freed from the charge of supporting a deputy at his own expense.<sup>20</sup>

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and after some time spent therein,

Bill reported with amendments.

Mr. Speaker resumed the chair,

And Mr. *Williams* reported, that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

Message from Legis. Council.

A message from the Legislative Council by *John Godfrey Spragge*, Esquire, Master in Chancery.

MR. SPEAKER,

Periodical Census Bill sent down amended.

The Legislative Council have passed the Bill, intituled "*An Act to repeal certain parts of an Act therein mentioned, and to provide for taking a periodical census of the Inhabitants of this Province, and for obtaining the other statistical information therein mentioned,*" with an amendment, to which they desire the concurrence of the Assembly.

And then he withdrew.

Order for House in Com. of supply on Message and Report on Estimates, read.

The Order of the day for the House in Committee of supply, to take into consideration the message of His Excellency, the Governor General, relating to the estimates for the year ending 31st *December*, 1841, and the Report of the Select Committee to which was referred so much of the message of His Excellency, the Governor General, as relates to the said estimates, together with the Documents connected therewith,

With Mr. Neilson's motion thereon.

And for taking into further consideration Mr. *Neilson's* motion of yesterday, viz — "that all aids and supplies granted to Her Majesty are the sole gift of the Assembly, and this House proceeds to consider of an aid or supply to be granted to Her Majesty, in the hope that justice will be done to the Inhabitants of this Province in regard to an appropriation made by the Parliament of the United Kingdom of *Great Britain and Ireland*, for the support of the Civil Government of this Province, out of the money's levied on the subject therein ;"

And Mr. Draper's amendment.

And also, Mr. Attorney General *Draper's* motion, in amendment thereto, viz : "That all the words after "that" in the said motion be struck out, and the following substituted, "during the first Sessions of the Parliament of the Province of *Canada*, under the Act of Union, it is not expedient to enter into any discussion of the principles upon which that measure was framed, or to express a premature condemnation of its detail," being read,<sup>21</sup>

**Mr. Aylwin** spoke for a long time in reprobation of the Union Act, its arbitrary and unconstitutional provisions, (so termed by him.) the sploiation (sic) of representative rights, and the virtues of the French Canadians. ((He made)) ... various allusions ... to the Yankees, with respect to their separation from the mother country...."<sup>22</sup>

**Mr. Roblin** said the Union Act was an experiment, which he was desirous of giving a fair trial, although he did not think that any one of liberal sentiments could sanction all its provisions. In accordance with the amendment which had been submitted by Mr. Attorney General, the previous day, he did not think that the time had arrived for an expression of opinion on it. — The change that was about to take place in the political world at home, would probably introduce men to office who would say, there is no pleasing of these people, the Canadians, nor any mode of government that will suit them ; for, before they have an opportunity of judging of it, their discontent and impatience of all controul breaks forth in clamours and denunciations, indicative of an utter impossibility of legislating for them with

any hope either of stability or success — His Excellency Lord Sydenham's administration, ought in his opinion, to have a fair trial before it was repudiated, or it was impossible that those (the people) who had conferred upon them a seat in parliament, would do otherwise than regret having sent them —<sup>23</sup>

**Mr. Small** expressed similar opinions, saying that he had been elected expressly on the conditions that a fair trial should be given to the union. These conditions he would faithfully observe, until ... ((he)) saw the policy of the government operating against the liberties of the people. He would vote for the supplies, in the confident hope of all constitutional remonstrances being listened to, and although there were objections which he had to urge against the union act, he would defer them till a future occasion, under the conviction that the Home Government would never enforce any law upon the colonies, that was appealed against by the voice of the inhabitants.<sup>24</sup>

**Mr. Taschereau**, the member for Dorchester ... spoke ... in favour of Mr. Draper's amendment, to postpone expression upon the union act until time had given it somewhat of a trial.<sup>25</sup>

**Mr. Sherwood** ... ((was)) for the resolution and against the amendment.<sup>26</sup>

**Mr. Price** ... ((echoed)) like sentiments.<sup>27</sup>

**Mr. Child.** — He had not spoken on the question, and would make a few remarks before he gave his vote. We are not now, Mr. Speaker, considering the Union Act — that question is not necessarily before us — but the resolution had some bearing upon the Union. I am fully persuaded, Mr. Speaker, that no hon. member in this house, or out of it, will undertake to defend that Act on the grounds of *justice* — I believe that is *impossible*. The authors and greatest supporters of it, do not pretend it is, in its details, just. These details are only justified by its authors on the grounds of expediency alone. The hon. member for Port-Neuf has stated, just now, if I understood him correctly, that all Lower Canada opposed the Union. I must correct that statement, as far as the people I have the honor to represent are concerned. They do not oppose the Union — the principle they are willing and prepared to support. They do not agree to some of the provisions of the Union Act, — the permanent civil List of £75,000 Sterling is one which they do not approve of. There are others which I am prepared to mention at a proper time — but I will not now take up the time of this hon. house in referring to them. I hold, Mr. Speaker, that those who pay the taxes should have, and uninterruptedly enjoy, the power to say how much, and when and for what, those resources shall be voted. We do object to the taking of this permanent civil list from our chest by the Imperial Parliament, without our consent. We can never acknowledge their right to thus vote away our monies. We are not averse to providing for the Public Service, and shall feel it a duty to do so adequately, and we most solemnly protest against such acts and violations of our rights. I do not consider this a proper time to attack the provisions of the Union Act, — the time is not well chosen. When I deem it proper and timely to do so, I wish to do it effectually. I have no doubt that then we shall be backed up in such attack by the people of the whole country, — I am sure that the people I represent will support me in making an appeal to the present authorities, that will be listened to and that will prevail. The union has taken place — the act is not ours; — If it works well the advantages are ours and the honor of its success belong to its authors, — if it fails, the odium of its failure will belong to its authors. I would not make myself and constituents responsible for its failure by opposing it, — I would not make them nor myself liable for its success by endorsing it — but we will give it a fair trial and yield a passive assent to it, hoping to derive permanent benefit from its success. For these considerations, Mr. Speaker, I shall vote for the amendment, and not for the original resolution.<sup>28</sup>

**Sir Allan MacNab** ... joined the clamour against the civil list denouncing it as an invasion of *our property*. With respect to deferring the consideration of the subject, he was of opinion that the very first day of the assembling of parliament, ought to have been devoted to it. The member for Hamilton also said a great deal more of proportionate value with his general observations.<sup>29</sup>

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And the question being put upon the motion of amendments, a division ensued, and the names being called for, they were taken down, as followeth : —

## YEAS.

<i>Black,</i>	<i>Draper, Hon. W.H.</i>	<i>McDonald, (Pres.)</i>	<i>Simpson,</i>
<i>Buchanan,</i>	<i>Dunlop,</i>	<i>McDonald, (Glen.)</i>	<i>Steele,</i>
<i>Cartwright,</i>	<i>Dunn, Hon. J. H.</i>	<i>Moffatt, Hon. G.</i>	<i>Taschereau,</i>
<i>Chesley,</i>	<i>Dunscomb,</i>	<i>Moore,</i>	<i>Thompson,</i>
<i>Child,</i>	<i>Foster,</i>	<i>Ogden, Hon. C.R.</i>	<i>Watts,</i>
<i>Daly, Hon. D.</i>	<i>Gilchrist,</i>	<i>Parke,</i>	<i>Williams,</i>
<i>Day, Hon. C.D.</i>	<i>Harrison, Hon. S.B.</i>	<i>Powell,</i>	<i>Woods,</i>
<i>Derbshire,</i>	<i>Holmes,</i>	<i>Robertson,</i>	<i>Yule. — 35.</i>
<i>De Salaberry,</i>	<i>Killaly, Hon. H.H.</i>	<i>Roblin,</i>	

(527)

## NOES.

<i>Aylwin,</i>	<i>Hincks,</i>	<i>Morris,</i>	<i>Smith, (Fron.)</i>
<i>Baldwin,</i>	<i>Johnston,</i>	<i>Neilson,</i>	<i>Smith, (Went.)</i>
<i>Barthe,</i>	<i>Kimber,</i>	<i>Parent,</i>	<i>Sherwood,</i>
<i>Burnet,</i>	<i>McNab, Sir A.N.</i>	<i>Price,</i>	<i>Taché,</i>
<i>Cameron,</i>	<i>McLean,</i>	<i>Quesnel,</i>	<i>Thorburn,</i>
<i>Christie,</i>	<i>Merritt,</i>	<i>Ruel,</i>	<i>Turcotte,</i>
<i>Cook,</i>	<i>Morin,</i>	<i>Small,</i>	<i>Viger, Hon. D.B.</i>
<i>Durand,</i>			(29).

Amendment carried.

So it was carried in the Affirmative.

The question being then put on the main motion, as amended, a division again ensued.

Yeas 35.

Noes 29.

Main motion as amended carried.

And the names being called for they were taken down as in the last preceding division.

Mr. *Neilson* moved, seconded by Mr. *Baldwin*,

Motion that no votes of new salaries be considered as a recognition thereof in future.

That no votes of this House at the present Session, for any Salaries or fixed allowances, beyon those recognized by the votes on which the appropriations of the Act of 1832, for the support of the Civil Government of *Lower Canada*, was founded, or the votes of the Assembly of the late Province of *Upper Canada*, be held as engaging this House for the future, as to the amount of such salaries or allowances, or as a recognition of any such salaries or allowances not heretofore voted by the Representative Assemblies of the said Provinces respectively.

Amendment moved.

Mr. Attorney General *Draper* moved, in amendment, seconded by Mr. *Parke*,

That all the words after "that" in the said motion be struck out, and the following substituted: "this House, in thus deferring any expression of their sentiment, are actuated by an anxious desire to arrive at conclusions which shall be based upon actual experience, upon which they will be hereafter prepared to exercise their constitutional right, of claiming from the justice of the Sovereign and the Imperial Parliament, such modifications and changes as they may find necessary, for the peace, welfare, and good Government of this Province."

Mr. *Neilson* ... opened the debate, by an appropriate speech....<sup>30</sup>

Mr. *Merritt*.... Mr. Chairman — the hon. member from the county of Quebec, is entitled to the thanks of every man in Canada, for his open, manly and determined resistance to that provision in the act of Union, which appropriates a permanent Civil List.

It has been often asserted, and is at this moment very generally believed, that the late House of Assembly of Upper Canada sanctioned this measure. I feel it due to that body, to take the earliest opportunity to prove, that so far from sanctioning a permanent grant, they promptly and openly resisted it, in every stage. By reference to the message of his Excellency the Go-



vernor-General, of the 7th Dec. 1839, three propositions will be found — the first, equal representation for the two provinces; the second, a sufficient Civil List, in the following words:

"The second stipulation to be made, is the grant of a sufficient Civil List. The propriety of rendering the Judicial branch (sic) independent alike of the Executive and the Legislature, and of furnishing the means of carrying on the indispensable services of the Government, admits of no question, and has been affirmed by the Parliament of Upper Canada, in the acts passed by them, for effecting these objects. In determining the amount of the Civil List, the House of Assembly may be assured, that the salaries and expenses to be paid from it, will be calculated by her Majesty's Government, with a strict regard to economy, and the state of the provincial finances."

The third provided for the debt of Upper Canada being borne by both provinces, which appeared unnecessary, as the Union once effected, the debt followed as a matter of course. And I trust, in a few years after our communications are opened throughout, we will all become satisfied, that the income derived from them will soon repay the debt.

The second proposition appearing vague and uncertain, an address on the following resolution, was moved:

"Mr. Gowan, seconded by Mr. Parke, moves that an humble address be presented to his Excellency the Governor-General, praying that his Excellency may be graciously pleased to inform this House, what officers are included in the Civil List to be recommended to her Majesty's Government for the adoption of the British Parliament, together with the amount of salary to be given to each officer respectively, and the period of time to which such list is intended to extend; that Messrs. [illegible] and Thorborn be a committee to draft and report the same, and that the 31st rule of this House be dispensed with, so far as relates to this motion."

Yeas, 21 — Nays, 5.

On the 19th Dec. 1839, the proposition contained in the passage, was altered by the hon. the Attorney-General, who is now in his place, as follows:

"*Resolved*, That this House concur in the proposition, that a sufficient Civil List be granted to her Majesty, for securing the independence of the Judges, and to the Executive Government that freedom of action which is necessary for the public good. — *The grant for the person administering the Government and for the several Courts to be permanent, and for the officers conducting the other departments of the public service, to be for the life of the Sovereign, and for a period of not less than ten years.*"

Yeas, 13 — Nays, 8.

On this resolution a debate ensued, in which the intention of the House was clearly understood. On a division, the eight members who divided against it, openly advocated a permanent Civil List; and those voting for the resolution, expressed their decided opposition to the principle — and I feel confident would never have assented to the Union, if a permanent grant had been contemplated.

The salaries of the Governor and Judges only were intended to be permanent: the Executive during the life of the Sovereign, and the remainder of the revenues of the province to be granted by annual supplies, as an equivalent for the grants made for the army and navy, by the Commons in the mother country.

The following is an extract from the Message in reply to the address of the Assembly:

"The generous confidence which you have reposed in her Majesty's Government and Parliament, respecting the Civil List, and the details of the measure of re-union, will be duly appreciated; and it will be the anxious endeavor of her Majesty's advisers, in all their proceedings upon this important subject, to justify that confidence and promote the permanent well-being of the people of Upper Canada."

This removed all doubt, if any existed, but I do not believe there was an individual in the House who did not place implicit confidence in the home Government — and who did not firmly believe the officers and salaries would have been placed on the same footing they then were. What return have we met with, for that confidence? Not only a permanent Civil List of £83,000, but in addition, permanent grants under existing laws of Upper Canada; also, the permanent acts or ordinances made under authority of the Special Council in Lower Canada, after the Union had passed in England; which, out of a revenue of £383,203 8 4, we have left the power to provide during the present session, for £45,053 16 3. And if this system continues, with the ordinary and unavoidable expenses arising from year to year, this House will soon be relieved from the trouble of granting any supplies whatever.

Having ever been a strenuous advocate of the Union, I am particularly desirous it should work well, and give general satisfaction: this can only be ensured by securing to this representative body the same power which exists in England, which can alone ensure the conti-

nuance of that harmony which was happily established by the constitution of 1688, and has continued to exist in the councils of the mother country since that period. This is the first opportunity, and I believe it to be the proper time, to express our disapprobation of the terms of the Union, particularly as they were never recognised or sanctioned by the representatives of either province. The hon. mover does not intend following up his resolutions with any thing more than an expression of opinion, although I would have no hesitation in supporting any address to the home Government, expressing opinions which I feel satisfied are entertained by the great body of the inhabitants of Canada, particularly as satisfaction will not be established until these provisions are removed; in the meantime I will oppose the amendment, and support the original resolution.<sup>31</sup>

**Mr. Baldwin** observed, that he felt astonished at the remarks which had fallen from the hon. member for Oxford, and in opposing the amendment of that gentleman, and supporting the resolutions of his hon. friend from Quebec, he felt called upon to declare, that neither in office nor out of office had he ever concealed his objections to those obnoxious passages in the Union bill, which, as a British subject, he looked upon, and ever should look upon, as most unjust and unfair towards the Lower Canadians. — That hon. gentleman knew well, that he (Mr. Baldwin) had never, before he was a member of the Government, nor since he had ceased to belong to it, in any manner sanctioned the clauses of the Union bill, which had given, and justly given, such universal dissatisfaction in Lower Canada, and amongst the great masses of the people of Upper Canada; and he defied that hon. member, or any other hon. member, to charge him fairly with having given such approbation. He (Mr. Baldwin) was astonished, that any one could act with such inconsistency as some hon. gentlemen seemed disposed to, upon the present resolutions. No man was more loud, more violent, against the Union bill, in its details, than the hon. gentleman from Oxford.<sup>32</sup>

Only as regarded the Civil List, ((said)) ... **Mr. Hincks**.<sup>33</sup>

((**Mr. Baldwin** continued.)) Only as regarded the Civil List, the hon. member observes. Why, then, all I can say is, that I must have widely mistaken the sentiments of the hon. member, and that my hon. friends around me have long been laboring under a similar error. The Civil List, as fixed by the Union, was a most obnoxious feature in the bill, and he would denounce it as unjust towards the people of this province; but it is as bad, or is it so iniquitous, as depriving thousands of British subjects of their fair representation? Is it not notorious, that large counties, containing from 20,000 to 30,000, in Lower Canada, are deprived of their representation, while such towns as Cornwall, Niagara, Bytown and London, are given the right of representation? And all this because a portion of the people were unhappily in a state of insurrection!

As respected the debt of Upper Canada, which had been imposed upon the Lower Canadians by the act, whatever might be the opinion of some hon. members, on the justice of the clauses of Upper Canada to have a portion of that debt paid by the sister province, no one could deny that it had been imposed upon the Lower Canadians without their consent. Nevertheless, the Lower Canada members, while they had, from a sense of duty to their constituents, protested against the act, had ever, with a manly respect for themselves and their country, treated it as a debt that was to be paid, and as, therefore, a matter of pounds, shillings and pence, about which they would not contend. But the Civil List and the representation, were matters that could not be thus passed over; and he felt astonished at those who had, in the early part of the session, so loudly proclaimed their readiness to take a stand, when the time came, now shrunk from supporting the resolutions of his hon. friend, and and (sic) still more at those who were for having that stand, as far as a mere saving of their rights were concerned, taken in the answer to the speech from the throne. Let them reflect, that they have a duty to perform to their constituencies, and that before them they must appear, to answer for their acts in this House, and their advocacy of principles directly in opposition to their wishes, and against the liberties of the people. He (Mr. Baldwin) would support the resolutions of his hon. friend from Quebec, because they would shew to the people of this province, and to the Queen's Government, that the rights and liberties of the people of this province, were not to be taken away without a voice being raised against the injustice of the proceeding. He (Mr. Baldwin) would with his dying breath, declare his opposition to the exercise of any power which might control the just right of the people of this province, to appropriate their own resources as to them should seem best, or which might take away or unjustly infringe upon their rights as British subjects. He should, therefore, vote against the amendment.<sup>34</sup>

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The question having been put upon the motion of amendment, a division ensued, and the names being called for they were taken down as followeth : —

## YEAS.

<i>Black,</i>	<i>Dunn, Hon. J. H.</i>	<i>McDonald, (Pres.)</i>	<i>Simpson,</i>
<i>Buchanan,</i>	<i>Dunscomb,</i>	<i>Moore,</i>	<i>Steele,</i>
<i>Cameron,</i>	<i>Foster,</i>	<i>Ogden, Hon. C.R.</i>	<i>Taschereau,</i>
<i>Daly, Hon. D.</i>	<i>Gilchrist,</i>	<i>Parke,</i>	<i>Watts,</i>
<i>Day, Hon. C. D.</i>	<i>Harrison, Hon. S.B.</i>	<i>Powell,</i>	<i>Williams,</i>
<i>Derbshire,</i>	<i>Holmes,</i>	<i>Robertson,</i>	<i>Woods,</i>
<i>De Salaberry,</i>	<i>Killaly, Hon. H.H.</i>	<i>Roblin,</i>	<i>Yule. — 29.</i>
<i>Draper, Hon. W.H.</i>			

## NOES.

<i>Aylwin,</i>	<i>Christie,</i>	<i>MacNab, Sir A.N.</i>	<i>Neilson,</i>
<i>Baldwin,</i>	<i>Cook,</i>	<i>Merritt,</i>	<i>Parent,</i>
<i>Barthe,</i>	<i>Durand,</i>	<i>Moffatt, Hon. G.</i>	<i>Price,</i>
<i>Burnet,</i>	<i>Hincks,</i>	<i>Morin,</i>	<i>Quesnel.</i>
<i>Cartwright,</i>	<i>Kimber,</i>	<i>Morris,</i>	<i>Ruel,</i>

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<i>Small,</i>	<i>Sherwood,</i>	<i>Thompson,</i>	<i>Turcotte,</i>
<i>Smith, (Front.)</i>	<i>Taché,</i>	<i>Thorburn,</i>	<i>Viger, Hon. D.B.</i>
<i>Smith, (Went.)</i>			<i>(29).</i>

Amendment lost, by  
Speaker's casting  
vote.

And the votes being equally divided, Mr. Speaker gave his casting vote in the Negative.<sup>35</sup>

The question being then put on the main motion, a division again ensued, and the names being called for, they were taken down as followeth : —

## YEAS.

<i>Aylwin,</i>	<i>Durand,</i>	<i>Neilson,</i>	<i>Smith, (Went.)</i>
<i>Baldwin,</i>	<i>Hincks,</i>	<i>Parent,</i>	<i>Sherwood,</i>
<i>Barthe,</i>	<i>Kimber,</i>	<i>Price,</i>	<i>Taché,</i>
<i>Burnet,</i>	<i>McNab, Sir A.N.</i>	<i>Quesnel,</i>	<i>Thompson,</i>
<i>Cameron,</i>	<i>Merritt,</i>	<i>Ruel,</i>	<i>Thorburn,</i>
<i>Cartwright,</i>	<i>Moffatt, Hon. G.</i>	<i>Small,</i>	<i>Turcotte,</i>
<i>Christie,</i>	<i>Morin,</i>	<i>Smith, (Front.)</i>	<i>Viger, Hon. D.B.</i>
<i>Cook,</i>	<i>Morris,</i>		<i>(30).</i>

## NOES.

<i>Black,</i>	<i>Dunlop,</i>	<i>McDonald, (Pres.)</i>	<i>Simpson,</i>
<i>Buchanan,</i>	<i>Dunn, Hon. J.H.</i>	<i>Moore,</i>	<i>Steele,</i>
<i>Child,</i>	<i>Dunscomb,</i>	<i>Ogden, Hon. C.R.</i>	<i>Taschereau,</i>
<i>Daly, Hon. D.</i>	<i>Foster,</i>	<i>Parke,</i>	<i>Watts,</i>
<i>Day, Hon. C.D.</i>	<i>Gilchrist,</i>	<i>Powell,</i>	<i>Williams,</i>
<i>Derbshire,</i>	<i>Harrison, Hon. S.B.</i>	<i>Robertson,</i>	<i>Woods,</i>
<i>De Salaberry,</i>	<i>Holmes,</i>	<i>Roblin,</i>	<i>Yule. — 30.</i>
<i>Draper, Hon. W.H.</i>	<i>Killaly, Hon. H. H.</i>		

Main motion carried  
by Speaker's vote.

And the votes being equally divided, Mr. Speaker gave his casting vote in the Affirmative.

Mr. Neilson moved, seconded by Mr. Baldwin,

That statements of all fees and allowances made for the services of any Public Officer commissioned within this Province, shewing the authority under which such fees are levied or paid, and the amount paid to such Officer respectively, upon an average of the then last five years, be laid before this House within ten days of the opening of each Session of the Legislature, together with a return of all advances to any Public Officer or Commissioner, and all engagements of the security of the Province to Trustees, Commissioners, or otherwise, unaccounted for at the time of making such return, and for which such

Statement of Fees &c.  
to commissioned Pub.  
Officers, to be laid  
before the House  
every Session.



Officer or Commissioner or Trustees are not then acquitted; and also of all arrears or balances due by any Receiver or Collector, together with the date of such advances, and when such arrears or balances become due.

The question being put upon the said motion it was agreed to un-animously and —

*Resolved* — Accordingly.

House in Com. of  
Supply on Message &  
Report on Civil  
Estimates.

The House then resolved itself into a Committee of supply, to take into consideration the Message of His Excellency, the Governor General, relating to the estimates for the year ending 31st *December*, 1841, and on the report of the Select Committee to which was referred so much of the Message of His Excellency, the Governor General, as relates to the said estimates, together with the Documents connected therewith.

Mr. *Morris*, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

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Progress reported.

And Mr. *Morris*, reported that the Committee had made some progress, and had directed him to move for leave to sit again.

*Ordered* — That the said Committee have leave to sit again to-morrow, and that it be then the first Order of the day.

Message from Legis.  
Council.

A message from the Legislative Council by *John Godfrey Spragge*, Esquire, Master in Chancery.

MR. SPEAKER,

Bills sent down  
amended.

The Legislative Council have passed the following Bills, with several amendments, to which they desire the concurrence of the Assembly :

Criminal Justice ad-  
ministration Bill.

*"An Act for improving the administration of Criminal Justice in this Province."*

Larceny Bill.

*"An Act for consolidating and amending the Laws in this Province relative to Larceny and other offences connected therewith."*

And then he withdrew.

At 5 o'clock, Mr. Speaker declared the House adjourned until 7 o'clock, P. M.

7 o'clock P. M.

House in Committee  
on Commercial Bank  
stock increase Bill.

The Order of the day for the House in Committee on the Bill to increase the Capital Stock of the Commercial Bank of the *Midland* District, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Burnet* took the chair of the Committee.<sup>37</sup>

Mr. *Cartwright* opened with a long speech descriptive of the advantages of those Institutions to the country. The rapid developement (sic) of the resources of the Province was in a great measure to be attributed to the assistance of the banks. He went largely into the restrictive clauses proposed to be inserted in the several charters, in accordance with the treasury minutes, and the recommendation of the committee.<sup>37</sup>

Mr. *Baldwin* enquired what was the amount of banking capital now employed, and what was the increased capital asked for by the several banks.<sup>38</sup>

Mr. *Holmes* replied, explanatory, and to the satisfaction of the learned enquirer.<sup>39</sup>

The business then proceeded, and upon the clauses being read providing for a suspension of specie payments, — Mr. *Viger* rose and characterized that provision as an unconstitutional act of legislation, and one which he would never assent to.<sup>40</sup>

Several members expressed their disapprobation — <sup>41</sup>

**Mr. Holmes** rose, and said he too disapproved of the introduction into the charter of any Bank of a clause which he considered as unnecessary, in fact disgraceful to contemplate — for one he was willing it should be expunged, but he was bound to say the offensive clause was contained in the minutes of the Treasury, and being there, it was one of those which it had been given the Banking interest to understand must, along with others, be introduced in the several charters to ensure their obtaining the Royal assent.<sup>42</sup>

**Mr. Cartwright** referred to the condition under which the Banks in Upper Canada had heretofore existed, that they were authorized to suspend specie payments with the provision that during suspension they should transact no Banking business — he considered it requisite to have that plan, and would insist upon it.<sup>43</sup>

**Mr. Holmes** hereupon said he dissented entirely from the hon. member for Lenox (sic) and Addington, — he considered the provision relating to the Upper Canada acts as disgraceful, and would insist upon their being withdrawn. He was not desirous of shielding the Banks under any such protection. Let them pay their debts honestly — they needed no protection of the kind. He had no hesitation in saying the Bank of Montreal needed none — but that if provision must be made for such a contingency, let it be under legislative authority, or as in the proviso contained in the bill he then held in his hand.<sup>44</sup>

**Mr. Moffatt** considered the introduction of such a clause not creditable to any Bank, — it contemplated the suspension of cash payments, which should not be voted, and however any such provision was made, the proviso was the best part of the clause.<sup>45</sup>

Several members expressed similar opinions.<sup>46</sup>

**Mr. Hincks** reviewed the whole of the recommendations of the Banking Committee....<sup>47</sup>

Some warmth of feeling was exhibited between some of the Bankers — <sup>48</sup>

**Mr. Holmes** again rose, and said he appealed to the justice of that House, if a provision of that kind was contained in the act of one Bank, he should expect the whole to be placed on the same footing, but it appeared to him the Commercial Bank was seeking for the benefits of the old act, and the advantages of a new one. He should, therefore, as the opinion of the Committee was evidently unfavourable to the introduction of that clause, which he again characterized as a disgraceful one, insist upon its being expunged from the Commercial Bank charter, as he understood it would be from all the others — and he put it now to the Committee to declare whether it was the intention of that House to admit the clause or not.<sup>49</sup>

A division was called for, and the Chairman ((**Mr. Cuvillier**)) declared, amid much confusion, that the clause was negated.<sup>50</sup>

(529)

Several members having retired,

Mr. Speaker resumed the chair.

The names of the members present were taken down as followeth : —

Mr. Speaker,

No quorum.

Mr. Baldwin, Mr. Buchanan, Mr. Burnet, Mr. Cameron, Mr. Cartwright, Mr. Durand, Mr. Hincks, Mr. Holmes, the Honourable Mr. Moffatt, Mr. Morin, Mr. Morris, Mr. Price, Mr. Simpson, Mr. Henry Smith, Mr. Thompson, and the Honourable Mr. Viger.

And at 10 o'clock at night, Mr. Speaker adjourned the House, for want of a Quorum.

Footnotes — 8 September 1841.

1. MONTREAL GAZETTE, 11 September 1841. The EXAMINER, 15 September 1841, explains the motives for this whole debate; the debate is reported in MONTREAL GAZETTE, 11 September 1841, which is identical to KINGSTON CHRONICLE, 11 September 1841; and in BRITISH COLONIST, 15 September 1841.

2. MONTREAL GAZETTE, 11 September 1841.

3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. The BRITISH COLONIST, 15 September 1841, gives a brief commentary on the division mentioned.
9. The debate on this matter is reported by: KINGSTON CHRONICLE, 11 September 1841, which is identical to MONTREAL GAZETTE, 13 September 1841; BRITISH COLONIST, 15 September 1841; and there is a commentary in LE CANADIEN, 13 September 1841.
10. KINGSTON CHRONICLE, 11 September 1841.
11. IBID.
12. IBID.
13. IBID. The reporter added: "and a prosy stupid document it was, as one would wish to meet withal in the longest summer day — viz, the 22nd of June."
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. BRITISH COLONIST, 15 September 1841.
19. IBID.
20. IBID.
21. This debate is reported by: MONTREAL GAZETTE, 11 September 1841, which is identical to that of KINGSTON CHRONICLE, 11 September 1841, but it is edited; EXAMINER, 15 September 1841; BRITISH COLONIST, 15 September 1841; LE CANADIEN, 13 September 1841, contains a commentary on the debate. The MONTREAL GAZETTE, 11 September 1841, notes: "It is impossible to give you even an outline of the debate, which was exceedingly long and exceedingly tedious."
22. BRITISH COLONIST, 15 September 1841.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. KINGSTON CHRONICLE, 11 September 1841.
29. BRITISH COLONIST, 15 September 1841.
30. ST. CATHARINES' JOURNAL, 30 September 1841.
31. IBID.
32. IBID. The remarks by Hincks referred to by Baldwin in this speech are not reported in any newspaper account.
33. ST. CATHARINES' JOURNAL, 30 September 1841.
34. IBID.
35. See also BRITISH COLONIST, 15 September 1841, for a commentary on this vote.
36. The debate on this subject is reported in: KINGSTON CHRONICLE, 11 September 1841, which is identical to MONTREAL GAZETTE, 11 September 1841; EXAMINER, 15 September 1841; KINGSTON CHRONICLE, 15 September 1841; and EXAMINER, 22 September 1841, copied from KINGSTON CHRONICLE, 15 September 1841. The EXAMINER of 15 September 1841, notes that the debate ended at 10 P.M. The KINGSTON CHRONICLE and MONTREAL GAZETTE of 11 September 1841, remarked that the debate "gave rise to very animated discussions between the several representatives of the different Banking Institutions."
37. KINGSTON CHRONICLE, 15 September 1841.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.



## Thursday, 9 September 1841.

(529)

*Petitions read.*

Pursuant to the Order of the day, the following Petitions were read : —

Of Master, &c. Quebec Trinity House.

Of the Master, Deputy Master and Wardens, of the *Trinity House of Quebec*, praying that certain clauses, proposed to be introduced in the Bill now before the House, relative to the Corporation of the *Trinity House of Quebec*, be rejected.

Of W. Holms and others.

Of *William Holms*, and others, inhabitants of the Township of *Brantford*, in the *Gore* District, praying that a duty be laid upon produce imported from the *United States*.

(530)

*Petitions referred.*

Of W. Logie and others,

W. Smart and others, A. Gale and others,

A. Gardiner & others,

J. Chep and others,

— to Sel. Com.

On motion of Mr. *Morris*, seconded by Mr. *Roblin*.

*Resolved* — That the Petitions of *William Logie*, and others, inhabitants of *Kingston*, and its vicinity ; of *Wm. Smart*, and others, inhabitants of the Town of *Brockville* ; of *A. Gale*, and others, Trustees of the *Gore* District School, presented to the House on the 3d instant ; and the Petitions of *A. Gardiner*, and others, inhabitants of the Townships of *Nicol*, *Garafraxa*, County of *Waterloo*, and District of *Wellington* ; and *James Chep*, and others, inhabitants of *West Flamborough* and *Ancaster*, in the District of *Gore*, presented to the House yesterday — be referred to a Select Committee, composed of Mr. *Thorburn*, Mr. *Merritt*, Mr. *Dunscomb*, and Mr. *Roblin*, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise ; with power to send for persons, papers and records.

On motion of Mr. *Black*, seconded by Mr. *Parent*.

Of S. Lelièvre, to Sel. Com.

*Resolved* — That the Petition of *Simeon Lélièvre*, of the City of *Quebec*, presented to the House yesterday, be referred to a Select Committee composed of Mr. *Parent*, Mr. *Aylwin*, Mr. *Taché* and Mr. *Taschereau*, to examine the contents thereof, and report thereon with all convenient speed ; with power to send for persons, papers and records.

Gaspé Justice Bill read 3rd time.

An engrossed Bill to make more ample provision than heretofore, for the due administration of Justice in the Territorial Division of *Gaspé*, was read for the third time.

Ryder moved.

Mr. *Christie* moved, seconded by Mr. *Parent*,

That the following engrossed Clause, marked A, be added to the said Bill, by way of *Ryder*, and do follow the 9th Clause, and make part of the said Bill :

## CLAUSE A.

“And be it enacted, that during this Act the General Quarter Sessions of the Peace in and for the said District, shall be held at the following times and places, and none other — that is to say : at *Percé*, from the *tenth* to the *fourteenth* of *February* inclusively ; and at *New Carlisle*, from the *twenty fifth* to the *twenty eighth* of *February*, inclusively, any Statute or Law to the contrary heretofore in any wise notwithstanding.

Ryder carried.

The said Clause being thrice read, and the question being put thereon, it was agreed to by the House.

Bill passed.

*Resolved* — That the Bill do pass, and that the title be "*An Act to make more ample provision than heretofore for the due administration of Justice in the District of Gaspé.*"

*Ordered* — That Mr. *Christie* do carry the said Bill to the Legislative Council, and desire their concurrence.

Bill to amend Quebec Corporation Ordinance passed.

An engrossed Bill to amend certain Ordinances therein mentioned, relative to the incorporation of the City of *Quebec*, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Neilson* do carry the said Bill to the Legislative Council, and desire their concurrence.

On motion of Mr. *Black*, seconded by Mr. *Cartwright*,

Amendments of Leg. Council to Criminal Justice Bill considered.

*Ordered* — That the amendments made by the Legislative Council to the Bill intituled "*An Act for improving the administration of Criminal Justice in this Province,*" be now taken into consideration.

(530)

The House proceeded, accordingly, to take the said amendments into consideration.

Amendments.

And the said amendments were read, and are as followeth : —

Press 8, Line 8 — Leave out from "transported" to "imprisoned," in the ninth line, inclusively, and insert "imprisoned at hard labour in

(531)

Amendments of Leg. Council to Criminal Justice Bill.

the Provincial Penitentiary, for any term not less than seven years, or to be imprisoned in any other prison or place of confinement."

Press 8, Line 11 — Leave out from "and" to "year" in the 17th line, inclusively.

Press 9, Line 19 — After "Gaol" insert "or."

Press 9, Line 20 — Leave out "or Penitentiary."

Press 9, Line 32 — Leave out from "either" to "transportation" in the thirty third and thirty fourth lines, inclusively, and insert "of imprisonment, the Court."

Press 9, Lines 35 and 36 — Leave out "or transportation."

Press 9, Lines 37 and 38 — Leave out "or transportation," respectively.

Press 9, Lines 38 and 39 — Leave out "either of those punishments," and insert "such punishment."

Press 10, Line 6 — Leave out from "transported" to "years," in the eighth line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary, for any term not less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 10, Line 31 — Leave out from "transported" to "imprisoned," in the thirty second and thirty third lines, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary, for any term not less than seven years, or to be imprisoned in any other prison or place of confinement."

Press 18, Line 26 — After the 52d Clause, insert additional Clause A.

(A.)

"And be it enacted, that the period of imprisonment in the Provincial Penitentiary, in pursuance of any sentence passed under this Act, or under any other Act relating to the punishment of offences by confinement and imprisonment in the Provincial Penitentiary, shall be held to commence from the period of passing such sentence, whether the convict upon whom such sentence shall be passed, shall be removed to the said Provincial Penitentiary forthwith, or be detained in custody in any other prison or place of confinement, previously to such removal."

Press 18, Line 28 — Leave out all the words after "after" to "Parliament," in the 29th line, inclusively, and insert "the first day of January, one thousand eight hundred and forty two."

And the said amendments being again read, they were agreed to by the House.

*Ordered* — That Mr. Black, do carry back the said Bill to the Legislative Council, and acquaint their Honors that this House hath agreed to their amendments.

On motion of Mr. Solicitor General Day, seconded by Mr. Dunscomb,

Amendment of Leg.  
Council to Periodical  
Census Bill  
considered.

*Ordered* — That the amendments made by the Legislative Council to the Bill intituled "*An Act to repeal certain parts of an Act therein mentioned and to provide for taking a periodical census of the Inhabitants of this Province, and for obtaining the other statistical information therein mentioned,*" be now taken into consideration.

The House proceeded, accordingly, to take the said amendment into consideration,

Amendment.

And the said amendment was read, and is as followeth : —

Leave out the Schedule attached to the Bill, and substitute the following, in lieu thereof :





(533)

## SCHEDULE — Continued.

### Amendment of Leg. Council to Periodical Census Bill.

Male.		Female.
21 and not 30.		
30 and not 60.		
60 and upwards.		
14 and not 45.		
45 and upwards.		
Number of Deaf and Dumb persons in each family, and the occupation for which they show the greatest aptitude.		
Number of Blind persons in each family.		
Number of Idiots in each family.		
Number of Lunatic persons in each family.		
<p>Number of persons in each family belonging to the Church of England.</p> <p>Number of persons in each family belonging to the Church of Scotland.</p> <p>Number of persons in each family belonging to the Church of Rome.</p> <p>Number of British Wesleyan Methodists in each Family.</p> <p>Number of Canadian Wesleyan Methodists in each family.</p> <p>Number of Episcopal Methodists in each family.</p> <p>Number of other Methodists in each family.</p> <p>Number of Presbyterians not in connexion with the Church of Scotland in each family.</p> <p>Number of Congregationalists or Independants in each family.</p> <p>Number of Baptists and Anabaptists in each family.</p> <p>Number of Lutherans in each family.</p> <p>Number of Quakers in each family.</p>		





SCHEDULE — *Continued.*

(535)

Amendment of Leg.  
Council to Periodical  
Census Bill.

Rate of Seigneurial Rent paid for land held <i>a titre du cens</i> .	
Average money rent of farm, farmed by each family.	
Proportion of produce allowed to the Proprietor for land held on lease or cultivated on shares by each family.	
Number of Colleges, or Academies, in each Parish, Township, extra-parochial place, Ward or Division of Town, &c.	
Number of Elementary Schools in every such place.	
Male.	
Female.	
Number of Taverns or Houses of Public Entertainment in every such place.	
Number of Stores where Spirituous Liquors are sold in every such place.	
Number of Grist Mills in every such place.	
Number of pairs of Mills Stones used in each Mill.	
Number of Oatmeal Mills in every such place.	
Number of Barley Mills in every such place.	
Number of Saw Mills in every such place.	
Number of Oil Mills in every such place.	
Number of Felling Mills in every such place.	
Number of Carding Mills in every such place.	
Number of Threshing Mills in every such place.	
Number of Paper Mills in every such place.	
Number of Iron Works in every such place.	
Number of Trip Hammers in every such place.	
Number of Nail Factories in every such place.	
The weight of Nails so manufactured in such place.	
Number of Distilleries in every such place.	
Number of Breweries in every such place.	
Number of Tanneries in every such place.	
Number of Pot and Pearl Ash Manufactories in every such place.	
Number of Manufactories of any other sort in every such place, containing any Machinery moved by Wind, Water, Steam or Animal power, specifying the purposes to which such Machinery is applied, and by what power it is moved.	
Average price of Wheat in every such place since last harvest.	
Average price of Agricultural Labour per day throughout the year.	

"I, A. B., do swear, that the above Return is true and correct, to the best of my knowledge and belief, that I have not willfully made any false statement therein, and that I have used my best diligence and endeavour to obtain true information on all matters to which it relates, —

"SO HELP ME GOD.

(Signature)

A. B., Assessor for the .....

of .....

"Sworn before, one of Her Majesty's Justices of the Peace, for the ..... of .....  
at ..... this ..... day of .....  
18 .....

"(Signed)

C. D., J. P.

(536)

Motion to concur  
in Amendment.

Mr. Solicitor General *Day* moved, seconded by Mr. *Dunscomb*,  
That this House doth concur with the Legislative Council in the  
said amendment.

Amendment moved.

Mr. *Roblin* moved, in amendment, seconded by Mr. *Child*,  
That all the words after "that" in the said motion, be struck out,  
and the following substituted — "the Schedule annexed to the Bill be  
amended, by expunging the several denominations of Methodists" and  
inserting one column only for the Methodists."

Lost.

The question having been put upon the motion of amendment, a  
division ensued, and it passed in the Negative.

Main motion carried.

The question being then put upon the main motion, it was agreed  
to by the House, and —

*Resolved* — Accordingly.

*Ordered* — That Mr. Solicitor General *Day*, do carry back the said  
Bill to the Legislative Council, and acquaint their Honors that this  
House hath agreed to their amendment.

Education Bill (Leg.  
Coun.) read 2nd time.

On motion of Mr. *Morris*, seconded by Mr. *Merritt*,  
*Ordered* — That the engrossed Bill from the Legislative Council,  
intituled "*An Act to repeal a certain Act therein mentioned, relating*  
*to education, and to make other provision for the encouragement*  
*thereof*," be now read a second time.

The said Bill was accordingly read a second time.

Petition of S. Row-  
lands referred to  
Sel. Com.

On motion of Mr. *Johnston*, seconded by Mr. *Thompson*.  
*Resolved* — That the Petition of *Samuel Rowlands*, of the Town of  
*Niagara*, presented to the House on the 6th instant, be referred to a  
Select Committee, composed of Sir *Allan MacNab*, and Mr. *Morin*, to  
examine the contents thereof, and report thereon with all convenient  
speed; with power to send for Persons, papers, and records.

Com. on Petition of  
Amos West report  
Bill to alter W. Gwil-  
limbury Road.

Sir *Allan MacNab*, from the Select Committee to which was refer-  
red the Petition of *Amos West*, of the Township of *West Gwillimbury*,  
with power to report by Bill or otherwise, presented to the House a  
Bill to authorize a certain change in the place of a Turnpike Road in  
the Township of *West Gwillimbury*, which was received, and read for  
the first time.

Bill read 1st time.

*Ordered* — That the said Bill be read a second time to-morrow.

Bill to amend Hamil-  
ton Police brought in.

*Ordered* — That Sir *Allan MacNab*, have leave to bring in a Bill to  
amend a certain Act passed, in the 3rd year of the Reign of His late  
Majesty WILLIAM the Fourth, intituled "*An Act to define the limits*  
*of the Town of Hamilton, in the District of Gore, and to establish a*  
*Police and Public Market therein*."

He accordingly presented the said Bill to the House, and the same  
was received, and read for the first time.

House in Com. on  
amending District  
Courts Law.

On motion of Sir *Allan MacNab*, seconded by Mr. *Cartwright*.  
*Resolved* — That this House do now resolve itself into a Committee  
of the whole House, to consider the expediency of altering and amend-  
ing the Law regulating the different District Courts.

The House accordingly resolved itself into the said Committee.

Mr. *Taché* took the chair of the Committee, and after some time  
spent therein,

Resolution reported.

Mr. Speaker resumed the chair,

And Mr. *Taché*, reported that the Committee had come to a Resolu-  
tion, which Resolution was again read at the Clerk's Table, and agreed  
to by the House, and is as followeth : —

Resolution.

*Resolved* — That it is expedient to alter, improve and amend, the  
Laws now in force, establishing the several District Courts in this Pro-  
vince.

(537)

Bill to amend District Courts Acts.

*Ordered* — That Sir *Allan MacNab*, have leave to bring in a Bill to alter, improve, and amend, the Laws now in force, establishing the several District Courts in this Province, he accordingly presented the said Bill to the House, and the same was received and read for the first time.

Mr. *Aylwin* moved, seconded by Mr. *Cartwright*,

Motion for commission on Election for 2nd Riding York, to sit at Streetsville.

That the Commission appointed to take evidence in the matter of the contested election of *George Duggan*, Esquire, for the 2nd Riding of the County of *York*, be authorized to sit at *Streetsville*, to examine the witnesses of the sitting Member for the said 2nd Riding of the County of *York*; and that *Joseph C. Morrison*, Esquire, be the Chairman of the said Commission.<sup>1</sup>

Mr. *Hincks* ... said that he had affidavits to shew that the lives of persons would not be safe from the effects of Orangeism in that Quarter.<sup>2</sup> ((He)) read an extract from evidence taken before the Commission showing that one of the witnesses had been threatened in Toronto by an Orangeman when attending to give evidence.<sup>3</sup>

Dr. *Dunlop* said if that motion was carried, he should add to it a condition that the Commander of the Troops should be requested to accompany the Commissioners by a Company of soldiers.<sup>4</sup>

Sir *Allan MacNab* laughed at the idea of such a measure.<sup>5</sup>

The Hon. Mr. *Draper* agreed with Sir *Allan* that a great deal more was made of Orange influence and of Orange violence than it merited.<sup>6</sup>

Capt. *Steele* thought as one side had been examined at Toronto, it was only fair that the other should be examined at Streetsville.<sup>7</sup>

Mr. *Baldwin*'s observations could not be heard but we believe he objected to the Commission sitting at Streetsville.<sup>8</sup>

(537)

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth : —

## YEAS.

<i>Aylwin,</i>	<i>Cook,</i>	<i>McNab, Sir A.N.</i>	<i>Thorburn,</i>
<i>Burnet,</i>	<i>Day, Hon. C.D.</i>	<i>McLean,</i>	<i>Turcotte,</i>
<i>Cartwright,</i>	<i>Draper, Hon. W.H.</i>	<i>Moore,</i>	<i>Watts,</i>
<i>Chesley,</i>	<i>Foster,</i>	<i>Smith, (Front.)</i>	<i>Yule. — 19.</i>
<i>Child,</i>	<i>Johnston,</i>	<i>Steele,</i>	

## NOES.

<i>Baldwin,</i>	<i>Gilchrist,</i>	<i>Neilson,</i>	<i>Simpson,</i>
<i>Buchanan,</i>	<i>Hincks,</i>	<i>Parent,</i>	<i>Small,</i>
<i>Cameron,</i>	<i>Holmes,</i>	<i>Parke,</i>	<i>Smith, (Went.)</i>
<i>Derbishire,</i>	<i>Kimber,</i>	<i>Powell,</i>	<i>Taché,</i>
<i>Dunlop,</i>	<i>Morin,</i>	<i>Price,</i>	<i>Thompson,</i>
<i>Durand,</i>	<i>Morris,</i>	<i>Roblin,</i>	<i>Viger, Hon. D.B.</i>

(24)

Motion lost.

So it passed in the Negative.

Message from His Excellency.

The Honourable Mr. Solicitor General *Day*, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency, the Governor General, signed by His Excellency.

And the said message was read by Mr. Speaker, all the Members of the House being uncovered, and is as followeth : —



## SYDENHAM,

Message recommend-  
ing provision for  
Common Schools.

The Governor General recommends to the House of Assembly that provision be made for the establishment and maintenance of common Schools throughout the Province.

Kingston, 8th September, 1841.

Mr. Speaker communicated to the House the following letter :

CHIEF SECRETARY'S OFFICE, 9TH SEPTEMBER, 1841.

SIR,

Letter from Chief  
Secretary fixing pro-  
rogation for Wednes-  
day.

I am commanded, by the Governor General, to inform you, that it is His Excellency's intention, should the state of Public business allow it, to prorogue the Provincial Legislature, on *Wednesday* next, the 15th instant.

I have the honour to be,

Sir,

Your most obedient humble servant,

T. W. C. MURDOCH,  
Chief Secretary.

The Honourable the Speaker  
of the House of Assembly,  
&c., &c., &c.

(538)

Chairman on Com. on  
Timber Inspection  
Bill reports  
amendments to Bill.

Mr. *Williams*, from the Committee of the whole House on the Bill to regulate the inspection and measurement of timber, masts, spars, deals, staves, and other articles of a like nature, in the Ports of *Quebec* and *Montreal*, and for other purposes relative to the same, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.<sup>9</sup>

Further amendment  
to the Bill moved.

Mr. *Black* moved, seconded by Mr. *Neilson*,

That the following amendment be made to the said Bill : —

## PREAMBLE.

In the eleventh line — After the word "same," insert "and to establish the principle of voluntary inspection and measurement, with regard to such articles, as it has been adopted with regard to the other articles subject to inspection in this Province."

Amendment lost.

The question having been put upon the said motion, a division ensued, and it passed in the Negative.

Further amendment  
moved.

Mr. *Black* moved, seconded by Mr. *Neilson*,

That the following amendment be made to the said Bill : —

First Clause,

In the fourteenth line — After the word "described" insert "when such culling, measuring and examination, or any of them, shall be demanded by any party interested."

Lost.

The question having been put upon the said motion, a division ensued, and it passed in the Negative.

Further amendment  
moved.

Mr. *Black* moved, seconded by Mr. *Burnet*,

That the following amendment be made to the said Bill : —

Thirteenth Clause,

In the last line — After the word "specification," insert "by the person who shall have applied to him to examine the same ; but in the case of any article sold, subject to examination, such rates shall, if paid by the buyer, be recoverable from the seller, unless the contrary shall have been stipulated at the time of the agreement, to submit to such examination, and any such agreement shall imply a warrantee that the lumber to which it relates is of the quality for which it is sold, according to the description herein given of such quality ; and that all the other requirements of this Act relative to Lumber of each quality have been complied with in respect of the same."

- Lost. The question being put on the said motion, a division ensued, and it passed in the Negative.
- Further amendment moved. Mr. *Black* moved, seconded by Mr. *Neilson*, That the following Proviso, in the twenty first Clause, be struck out: "Provided always, that timber re-dressed, whereby the first measurement and dimensions shall necessarily become altered, may be measured according to the provisions of this Act by a shipping Culler."
- Amendment lost. The question having been put upon the said motion, a division ensued, and it passed in the Negative.
- Ryder added. On motion of Mr. *Aylwin*, seconded by Mr. *Johnston*, Ordered — That the following Clause be added to the said Bill, and do follow the twenty ninth Clause: —  
 "Be it further enacted and provided, that no Supervisor of Cullers shall be eligible to sit as a member of the Legislative Assembly of this Province."<sup>10</sup>

**Messrs. Neilson and Viger** supported the views of Mr. *Aylwin*.<sup>11</sup>

**Sir Allan MacNab** thought it unconstitutional to prevent any man from voting — if Mr. *Aylwin* would alter his amendment, and move that the Inspector be not allowed to sit in the House he would support him *because he thought the influence of the Government in the House already too great*.<sup>12</sup>

Mr. *Aylwin* assented....<sup>13</sup>

- Bill to be engrossed. (538) Ordered — That the said Bill, as amended, be engrossed.
- Usury Bill (Legislative Council) read 2nd time. An engrossed Bill from the Legislative Council, intituled "*An Act to amend the Usury Laws*," was, according to order, read a second time.
- Motion to defer consideration of Bill 3 months. (539) Mr. *Price* moved, seconded by Mr. *Neilson*, That the further consideration of the said Bill be postponed until this day three months.
- Amendment moved, to refer Bill to Com. of whole on Tuesday. The Honourable Mr. *Harrison* moved, in amendment, seconded by the Honourable Mr. *Daly*, That all the words after "That," in the said motion, be struck out, and the following substituted: "the said Bill be referred to a Committee of the whole House on Tuesday next."

A debate ensued. — **Messrs. Viger, Neilson, and Baldwin** spoke against the Bill, the latter gentleman objecting to all new experiments, of which he said we had enough this session.<sup>14</sup>

**Messrs. Harrison, Dr. Dunlop and Hincks** spoke in favour of the bill.<sup>15</sup>

- (539) The question having been put upon the motion of amendment, a division ensued, and the names being called for, they were taken down as followeth: —

## YEAS.

<i>Black,</i>	<i>Dunlop,</i>	<i>Merritt,</i>	<i>Sherwood,</i>
<i>Buchanan,</i>	<i>Dunn, Hon. J.H.</i>	<i>Morris,</i>	<i>Steele,</i>
<i>Cameron,</i>	<i>Dunscomb,</i>	<i>Ogden, Hon. C.R.</i>	<i>Thompson,</i>
<i>Child,</i>	<i>Foster,</i>	<i>Parke,</i>	<i>Watts,</i>
<i>Daly, Hon. D.</i>	<i>Gilchrist,</i>	<i>Robertson,</i>	<i>Williams,</i>
<i>Day, Hon. C.D.</i>	<i>Harrison, Hon. S.B.</i>	<i>Simpson,</i>	<i>Woods,</i>
<i>Derbshire,</i>	<i>Hincks,</i>	<i>Small,</i>	<i>Yule. — 31.</i>
<i>Draper, Hon. W.H.</i>	<i>Holmes,</i>	<i>Smith, (Fron.)</i>	

## NOES.

<i>Aylwin,</i>	<i>Cook,</i>	<i>McDonald, (Pres.)</i>	<i>Price,</i>
<i>Baldwin,</i>	<i>Durand,</i>	<i>McDonald, (Glen.)</i>	<i>Roblin,</i>

<i>Burnet,</i>	<i>Hopkins,</i>	<i>McLean,</i>	<i>Smith, (Went.)</i>
<i>Cartwright,</i>	<i>Johnston,</i>	<i>Morin,</i>	<i>Thorburn,</i>
<i>Chesley,</i>	<i>Kimber,</i>	<i>Neilson,</i>	<i>Turcotte,</i>
<i>Christie,</i>	<i>McNab, Sir A.N.</i>	<i>Powell,</i>	<i>Viger, Hon. D.B.</i>
			(24).

Amendment carried.

So it was carried in the Affirmative.

The question being then put on the main motion as amended, a division ensued thereon.

Yeas, 31.

Noes, 24.

Main motion, as amended, carried.

And the names being called for, they were taken down as in the last preceding division.

So it was carried in the Affirmative, and —

*Ordered* — Accordingly.

Bill to define limit of Norfolk read 2nd time.

A Bill to define the *Westerly* limit of the County of *Norfolk*, was, according to order, read a second time.<sup>16</sup>

A long discussion took place on a proposition made we believe by **Mr. Powell** for the annexation of the Township of Bayham to the County of Norfolk — to which County he said it properly belonged.<sup>17</sup>

**Mr. Surveyor General Parke** strongly opposed this as unjust, and contrary to the wishes of the inhabitants.<sup>18</sup> ((He)) ... was desirous to defer it until the next session of parliament, to give to the inhabitants of the township of Bayham time to express their opinions relative to that township being annexed to the county of Norfolk.<sup>19</sup>

**Mr. Hincks** also opposed it, and asserted that it more properly belonged to Oxford.<sup>20</sup>

**Mr. Cameron** said the proposed alteration had been Gazetted according to law six months, giving sufficient time for any expression of opinion relative to it; in accordance with this a bill had been introduced which he trusted would pass.<sup>21</sup>

**Capt. Steele** said it geographically belonged to Brock, as it was the only outlet that County had to the Lake.<sup>22</sup>

((or))

**Capt. Steele** affirmed, that the township was so far removed from the county of Middlesex that the inhabitants sustained great inconvenience (sic) in consequence of it. As to the vicinity of Brock entitling it to be annexed to that district, it was a perfect absurdity and in opposition to the wishes of the inhabitants.<sup>23</sup>

**Mr. Parke** said he was perfectly willing to leave it to the people themselves — whatever they decided on should have his support.<sup>24</sup>

(539)

Bill to be engrossed.

*Ordered* — That the said Bill be engrossed.

House in Com. on Bill for collection of small debts in Canada E.

The Order of the day for the House in Committee on the Bill to provide for the more easy and expeditious administration of Justice in civil causes, and matters involving small pecuniary value, in that part of this Province heretofore *Lower Canada*, being read,

The House accordingly resolved itself into the said Committee.

**Mr. Chesley**, took the chair of the Committee and after some time spent therein,

**Mr. Speaker** resumed the chair,

Bill reported amended.

And **Mr. Chesley**, reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.



Message from  
His Excellency.

(540)

The Honourable *S. B. Harrison*, one of Her Majesty's Executive Council, delivered to Mr. Speaker two messages, from His Excellency, the Governor General, signed by His Excellency.

And the said Messages were read by Mr. Speaker, all the Members of the House being uncovered, and are as followeth: —

Message recommend-  
ing appropriation for  
Hamilton and Port  
Dover road.

SYDENHAM,

The Governor General, considering the advantage which the formation of a line of Road from *Hamilton* to *Port Dover* would afford to the Public, recommends to the House of Assembly to take into consideration the propriety of making an appropriation of £20,000 for that purpose.

Kingston, 9th September, 1841.

Message recommend-  
ing appropriation for  
Ottawa and St. Law-  
rence road.

SYDENHAM,

The Governor General, considering that the completion of the Military Road from the *Ottawa*, near *L'Orignal*, to the *St. Lawrence*, is likely to be of great public advantage, recommends to the House of Assembly to take into consideration the propriety of making an appropriation of £1,500 towards that purpose.

Government House, Kingston, 9th September, 1841.

House in Com. of  
supply on Message  
and Report on Civil  
Estimates.

The Order of the day for the House in Committee of supply, to take into consideration the Message of His Excellency, the Governor General, relating to the estimates for the year ending 31st. *December*, 1841; and on the Report of the Select Committee to which was referred so much of the Message of His Excellency, the Governor General, as relates to the said estimates, together with the Documents connected therewith, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Roblin*, took the chair of the Committee.<sup>25</sup>

**Mr. Thorburn** drew the attention of the House to the item of £800 for criminal prosecutions saying that it ought to have been submitted to the committee on contingencies, and that although in troublous times large sums had been expended on trials of this nature, it was not to be understood that £800 per annum was always to be voted for them. With respect also to the item of £1,111 2s. 2d. for the Upper Canada College, the law provided that the funds of King's College should defray the expenses of the Upper Canada Institution.<sup>26</sup>

**Mr. Hincks** said that he had ascertained, that more money had been expended on books and contingencies than the college dues amounted to. He was of opinion that the pupils ought to pay the expenses of their own boarding, and alleged that the institution had been conducted on a most expensive scale.<sup>27</sup>

**Mr. Harrison** said that a few days ago, a very detailed account had been given to him of school lands, which reflected the highest credit upon those who had drawn up the report. It however convinced him, that much mismanagement had taken place relative to them.<sup>28</sup>

**Mr. Merritt** affirmed that of all the public lands of Upper Canada, not one dollar had gone to the public revenue, having been invariably swallowed up by various charges of one kind or another.<sup>29</sup>

(540)

and after some time spent therein,

Progress reported.

Mr. Speaker resumed the chair,

And Mr. *Roblin*, reported that the Committee had made some progress, and had directed him to move for leave to sit again.

*Ordered* — That the said Committee have leave to sit again at the next sitting of the House.

Message from  
Leg. Council.

A Message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery.

MR. SPEAKER,

Bills passed L.  
Council.

The Legislative Council have passed the following Bills, without any amendment : —

Bill to extend Peni-  
tentiary system to  
Canada E.

"*An Act to render the Penitentiary erected near Kingston, in the  
"Midland District, the Provincial Penitentiary for Canada,"*

Bill to compel  
candidates to declare  
their qualification.

"*An Act to compel all Candidates at any future Elections for Mem-  
bers of the Legislative Assembly, to make and subscribe detailed  
"declarations of the Property by them possessed, and under which they  
"qualify."*

And also,

Bill to amend law  
respecting injuries to  
property sent down  
amended.

The Legislative Council have passed the Bill intituled "*An Act for  
"consolidating and amending the Laws in this Province relative to  
"malicious injuries to property,"* with several amendments, to which  
they desire the concurrence of the Assembly.

And then he withdrew.

At 5 o'clock, Mr. Speaker declared the House adjourned until 7  
o'clock, P. M.

(541)

7 o'clock, P. M.

House in Com. on  
supply and on Report  
and Message on Civil  
Estimates.

The Order of the day for the House in Committee of supply, to  
take into consideration the Message of His Excellency, the Governor  
General, relating to the Estimates for the year ending 31st December,  
1841 ; and on the Report of the Select Committee to which was refer-  
red so much of the Message of His Excellency, the Governor General,  
as relates to the said Estimates, together with the documents connected  
therewith, being read,

The House accordingly resolved itself into the said Committee.

Mr. Roblin took the chair of the Committee.<sup>30</sup>

((Mr. Harrison moved that)) £2,289 4s. 8d. ... be replaced to the Military Chest, for expenses  
defrayed in forwarding emigrants to their destination, after arriving in the Province, in 1840 ;  
together with the probable amount to be incurred for the same service in 1841, £3,500 —  
making together a total of £5,789 4s. 8d. ....<sup>31</sup>

((He)) said that such a demand would not again be made, as the British Government were  
willing to advance the sum of £8,000, annually for the furtherance of this object ; and he  
thought that sum would be found sufficient, with the restrictions which were to be put upon  
the system of Emigration in future, to meet all the expenses to be incurred in the transport  
of the Emigrant to his place of destination ; and that the Provincial Govt. should render  
any aid required in his location. He was not in favor of too great an influx of Emigration  
in one year — but thought that from 30 to 40,000 could be absorbed by the Province annually  
without detriment to its interests — and with great advantage to the Emigrant — and that  
that was the number about to be provided for by the Home Government, all over which of a  
certain class, would be subject to a slight indirect tax.<sup>32</sup>

Mr. Neilson said, that according to the system that had hitherto prevailed of handling the  
public money, every farthing was disposed of, leaving nothing for any exigencies that might  
occur. As to peopling this country with the indigent, who were prevailed upon to come to it  
under false representations, he entirely disapproved of it — contending that it was productive  
of more harm than good.<sup>33</sup>

Dr. Dunlop required explanation about taxing Emigrants — and protested strongly against  
Quarantine stations — that they were more likely to generate disease than arrest it.<sup>34</sup>

Mr. Merritt said he thought the people of this country had offered too many inducements  
to Emigrants — that if the sums expended in paying Emigrant Agents and affording relief  
to Emigrants, had been laid out on public improvements thereby affording sufficient employ-  
ment — it would have proved more beneficial to all parties.<sup>35</sup>

**Dr. Dunlop** thought that we could not have too many — that the epithet of pauper should not be applied to emigrants even of the poorest class — for there was no reason to doubt that the rich man's object in emigrating was to better his condition as well as the poor man. The Dr. further remarked that when the Lower Canada Legislature imposed a tax of 5s. a head upon the poor emigrant, they should have made it £10 on the rich one, in order to be consistent.<sup>36</sup>

**Mr. Viger.** — It was not just that the money should be refunded, and he would oppose the motion.<sup>37</sup>

**Mr. Johnston** was opposed to any relief being afforded to Emigrants in the way of transportation. He was opposed to the Emigration system altogether — that if Emigrant Agents continued to aid and forward Emigrants from place to place, they "would make Cook's own voyages round the world in pursuit of the cow with the long horns."<sup>38</sup>

**Mr. Baldwin, Mr. Price, and Mr. Small,** made several inquiries about the mission of Dr. Rolph, and threw out some indirect insinuations respecting that gentleman.<sup>39</sup>

**Sir Allan MacNab** rose to repudiate such insinuations. He (Sir Allan) knew Dr. Rolph well, and was convinced that no man could be found who would be more zealous in the cause of Emigration.<sup>40</sup> That entitled him to the thanks of the country at large. — "He (Sir Allan) thought we could not have too many emigrants who were of sound constitution, and industriously inclined — they would be all required on the Public Works."<sup>42</sup>

**Mr. Hincks** was of opinion, that an explanation ought to be given to the house, why a sum of money was now to be voted for emigration. Was it to make up deficiencies occasioned by Dr. Rolph's expending those funds which ought to have been devoted to this purpose in the province? <sup>43</sup>

**Mr. Harrison** answered that it was unnecessary for him to enter into a detail of Dr. Rolph's movements, that gentleman precluding such a necessity by the mode which he adopted, of publishing them to all the world.<sup>41</sup> ((He)) said that if Dr. Rolph had been deputed by Government (which he denied) to act as Emigrant Agent for this Province, in England, it would have certainly been in strict compliance with the doctrine of Responsible Government; as public meetings had been held from one end of the Province to the other, and large subscriptions raised for the purpose of sending Dr. H. home. So that his mission was undertaken in accordance with the "well-understood wishes of the people."<sup>45</sup>

**Sir Allan MacNab** said that if we wished to aid the exertions of Dr. Rolph, it was not the way to do so by reflecting upon him here.<sup>46</sup>

**Mr. Small** expressed himself decidedly opposed to emigration under its present form, being of opinion, that if it was left to the emigrants themselves to provide means instead of saddling this country with the burthen of it, we should have a much better class of settlers than we had now.<sup>47</sup>

**Mr. Buchanan** said, that no member for Upper Canada would have dared to utter such sentiments on the hustings.<sup>48</sup>

**Mr. Viger** asked, whether it was consistent that England, with all her riches, should call upon us in our comparative poverty, to tax our limited resources for the purpose of disburthening her territory of a host of paupers, who after enduring many hardships in their passage were exposed to want and wretchedness in this country? In his opinion, if the government here represented the matter in its proper light to the Home authorities we should be relieved from the claim that was now made upon us.<sup>49</sup>

**Mr. Harrison** agreed with the hon. member that Great Britain *ought* to bear the expenses of Emigration, which she could well afford. However, as on account of £8,000 per annum having been voted by the Imperial Parliament for this purpose for the future, the estimate now submitted would not again be called for, he trusted the house would not refuse it. — <sup>50</sup>

**Mr. Baldwin** said that Dr. Rolph had given the country to understand, that the Duke of Argyle and The McLeod had offered to place at his disposal £10,000 to aid in defraying the expenses of emigrants; he was desirous to know, therefore, whether he had received that sum, or whether there was any despatch relative to it.<sup>51</sup>



**Mr. Harrison** said that Mr. Baldwin having belonged to the administration during the period of Dr. Rolph's mission, he ought himself to be acquainted with all particulars relative to it. He had no doubt, however, that in due time satisfactory information would be obtained from that gentleman as to his success, and the assistance obtained by him from the noblemen and gentlemen who had promised him their support.<sup>52</sup>

**Mr. Aylwin** said that in whatever degree Upper Canada or the United States might have been benefitted, by the expenses which we incurred for emigration, Lower Canada had received no advantage from it; the halt and the blind alone remaining in that section of the province, a mere incubus on its energies.<sup>53</sup>

**Mr. Black**, in answer to the member for Huron with respect to his reflections upon the institution at Grosse Isle, said that they were both unjust and unmerited, and that it would become the hon. gentleman much better to make inquiries previous to hazarding assertions that would not be substantiated.<sup>54</sup>

After two or three speeches from **Mr. Aylwin**, of about half an hour each, the motion was put and carried by a large majority.<sup>55</sup>

**Mr. Harrison** then moved for an appropriation of £35,000 for a like object in 1841 — which was also carried almost unanimously.<sup>56</sup>

**Mr. Aylwin** ... ((made)) another speech or two.<sup>57</sup>

The estimate (£1,500) for the geological survey was submitted to the house.<sup>58</sup>

**Mr. Aylwin** began by saying, he would never vote for the Geological Survey, unless Ministers would name the person who was to make the survey. He believed it was a mere job, — and for aught he knew, got up for the purpose of employing Messrs. Fullam and Coffin, who had been employed as a Commission to investigate the late riots at Toronto.<sup>59</sup>

**Mr. Attorney General Ogden** replied, with great indignation, to the demand, and said he would never consent to state, as the condition of obtaining the Hon. Member's vote, the name of the person who would be employed, even if he knew.<sup>60</sup>

**Mr. Aylwin** followed in a strain of invective and abuse of the most personal kind, in a speech of above half an hour long — and ((was)) called to order by the Chairman... repeatedly....<sup>61</sup>

He got pretty severely handled by **Mr. Daly**.<sup>62</sup>

He got pretty severely handled ... as well ... by **Mr. Atty. General Ogden**.<sup>63</sup>

**Mr. Aylwin** assured the House that nothing on earth should ever induce him to accept office under such a Government as Lord Sydenham's — or to be associated with men such as those who occupied the Treasury Benches.<sup>64</sup>

**Mr. Ogden** assured the Hon. gentleman that he believed nothing was further from the intention of the Government, than to put him to the inconvenience of refusing office, either on the Treasury Benches, or even as a Professor to the intended survey for geological investigation.<sup>65</sup>

A loud laugh followed from every man in the House — persons behind the bar, and that space was literally crowded, laughed aloud, so as to call for the interference of the Chairman.<sup>66</sup>

**Mr. Holmes** presented himself, and said nothing could be more unjust or improper, than the attack of the Hon. and learned gentleman (Mr. Aylwin) upon the members of Government about this survey. The fact was, that he had been requested by several scientific men, to apply to the head of the Government on the subject of a geological survey — and that moreover he had presented petitions to the House to grant the necessary funds — that the Governor General first thought of getting the survey made, under the superintendence of Military Engineers, to save the expense to the Province, when it was considered that, though

they might be very good Engineers, they may not be eminent Geologists, and after mature consideration, the present plan was adopted, and communications had been made, and negotiations were now going on, for the appointment of the most eminent men that can be found to engage in it.<sup>67</sup>

**Mr. Harrison** again moved that the sum of £800 expended by the Clerk of the Crown in Chancery, in despatching the Writs of Election throughout the country, should be granted.<sup>68</sup>

A desultory conversation arose, **Messrs. Viger, Aylwin** and Co. taking a most active part....<sup>69</sup>

((There was)) a long speech from **Mr. Durand**....<sup>70</sup>

Hon. members ... ((made)) noises to drown his voice....<sup>71</sup>

**Mr. Aylwin** became at length ... ((too)) disorderly....<sup>72</sup>

The Chairman ((**Mr. Roblin**)), unable to keep order, left the Chair....<sup>73</sup>

The excitement which prevailed did not readily subside. The Speaker ((**Mr. Cuvillier**)) came in for his share of attack, on the ground that he had no right to take the Chair....<sup>74</sup>

The Chairman of the Committee ((**Mr. Roblin**)) was voted out of it ((the Chair)) by the House, and the Speaker ((**Mr. Cuvillier**)) requested to take it.<sup>75</sup>

((The doors)) were again opened, and the motion was carried by a large majority.<sup>76</sup>

(541)

and after some time spent therein,

Resolutions reported. Mr. Speaker resumed the chair,  
And **Mr. Roblin** reported, that the Committee had come to several Resolutions, which he was directed to submit to the House whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

Remaining Orders postponed. On motion of **Mr. Williams**, seconded by **Mr. Price**,  
*Ordered* — That the Orders of the day, that have not been disposed of, be postponed until to-morrow, and that they be then the first Orders of the day.

Then, on motion of **Mr. Price**, seconded by **Mr. Morris**,  
The House adjourned.

#### Appendix, 9 September 1841.

((Motion Re: Bill for Justice to Lower Canadian Members.))

**Sir Allan MacNab** moved that the Report of the Committee for enquiring into the question of privilege, respecting the Bill rejected by the Legislative Council for the prevention of injustice to the Lower Canadian Members — be now read — he said his object was to place that Report upon the Journals.<sup>77</sup>

The Hon. **Mr. Draper** hoped **Sir Allan** would consent to delay it for a day as he had no opportunity of examining it.<sup>78</sup>

**Sir Allan** ((**MacNab**)) consented on the condition that it should be brought up to-morrow.<sup>79</sup>

Footnotes — 9 September 1841.

1. This debate is reported by: KINGSTON CHRONICLE, 11 September 1841, which is identical to the report of MONTREAL GAZETTE, 13 September 1841; EXAMINER, 15 September 1841.
2. KINGSTON CHRONICLE, 11 September 1841.
3. EXAMINER, 15 September 1841.
4. KINGSTON CHRONICLE, 11 September 1841.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. There is a commentary on the bill's effect on certain workers in KINGSTON CHRONICLE, 11 September 1841.
10. The debate on this ryder is found in: KINGSTON CHRONICLE, 11 September 1841, which is identical in its report with that of MONTREAL GAZETTE, 13 September 1841.
11. KINGSTON CHRONICLE, 11 September 1841.
12. IBID.
13. IBID.
14. EXAMINER, 15 September 1841.
15. IBID.
16. The debate on this motion was reported by: KINGSTON CHRONICLE, 11 September 1841, which contains the same report as MONTREAL GAZETTE, 13 September 1841; BRITISH COLONIST, 15 September 1841.
17. KINGSTON CHRONICLE, 11 September 1841.
18. IBID.
19. BRITISH COLONIST, 15 September 1841.
20. KINGSTON CHRONICLE, 11 September 1841.
21. BRITISH COLONIST, 15 September 1841.
22. KINGSTON CHRONICLE, 11 September 1841.
23. BRITISH COLONIST, 15 September 1841.
24. KINGSTON CHRONICLE, 11 September 1841.
25. The debates which took place on the items presented were reported by: LE CANADIEN, 13 September 1841; BRITISH COLONIST, 15 September 1841; KINGSTON CHRONICLE, 11 September 1841; MONTREAL GAZETTE, 13 September 1841. LE CANADIEN, 13 September 1841, commented about the debate as a whole: "Tout le monde veut y mettre son grain de sel, non pas toujours de sel attique, mais tout passe." The KINGSTON CHRONICLE, 11 September 1841, also noted: "It would be impossible and impracticable to attempt to give even an outline of the interminable remarks which were made upon the various items as they were brought before the consideration of the House."
26. BRITISH COLONIST, 15 September 1841.
27. IBID.
28. IBID.
29. IBID.
30. This is a continuation of the debate begun before the dinner-time adjournment. See footnote 25.
31. BRITISH COLONIST, 15 September 1841.
32. KINGSTON CHRONICLE, 11 September 1841.
33. BRITISH COLONIST, 15 September 1841.
34. KINGSTON CHRONICLE, 11 September 1841.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. BRITISH COLONIST, 15 September 1841.
42. KINGSTON CHRONICLE, 11 September 1841.
43. BRITISH COLONIST, 15 September 1841.
44. IBID.
45. KINGSTON CHRONICLE, 11 September 1841.
46. BRITISH COLONIST, 15 September 1841.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. KINGSTON CHRONICLE, 11 September 1841.
56. IBID.
57. IBID.
58. BRITISH COLONIST, 15 September 1841.
59. MONTREAL GAZETTE, 13 September 1841.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. IBID.
65. IBID.



66. IBID.
67. IBID.
68. KINGSTON CHRONICLE, 11 September 1841.
69. IBID.
70. IBID.
71. IBID.
72. MONTREAL GAZETTE, 13 September 1841.
73. KINGSTON CHRONICLE, 11 September 1841.
74. MONTREAL GAZETTE, 13 September 1841.
75. IBID.
76. KINGSTON CHRONICLE, 11 September 1841.
77. IBID.
78. IBID.
79. IBID.

## Friday, 10 September 1841.

### *Petitions brought up.*

Rev. J. Machar  
and others.

Maria McCrea,  
W. McClellan  
and others.

W. Leslie  
and others.

J. S. D. Moodie  
and others.

J. Murray & others.

W. Moore.

Archdeacon Stuart  
and others.

Bill to define limit of  
Norfolk, passed.

Bill to extend time  
for completion P.  
Dover Harbour,  
passed.

(541)

The following Petitions were severally brought up, and laid on the Table : —

By Mr. *Cameron* — The Petition of the Reverend *John Machar*, and the Elders and Congregation of *Saint Andrew's Church, Kingston*.

By Mr. *Dunlop* — The Petition of *Maria McCrea*.

By Mr. *Thompson* — The Petition of *William McClellan*, and others, Inhabitants of the Township of *Thorold*.

By the Honourable Mr. *Dunn* — The Petition of *William Leslie*, and others, Inhabitants of *Streetsville*, and its neighbourhood.

By Mr. *Baldwin* — The Petition of *J. S. Dunbar Modie*, and others, Inhabitants of the Town of *Belleville*, and its vicinity; — and the Petition of *James Murray*, and others, Inhabitants of the Town of *Belleville*, and its vicinity.

By Mr. *Holmes* — The Petition of *William Moore*, of the City of *Montreal*, Inspector of Beef and Pork.

By Mr. *Parke* — The Petition of the very Reverend Archdeacon *Stuart*, and others, Inhabitants of the Town of *Kingston*.

An engrossed Bill to define the *Westerly* limit of the County of *Norfolk*, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Powell*, do carry the said Bill to the Legislative Council, and desire their concurrence.

An engrossed Bill to extend the time limited by Law for the construction and completion of the *Port Dover Harbour*, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Powell*, do carry the said Bill to the Legislative Council, and desire their concurrence.

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An engrossed Bill to appoint additional Commissioners to settle the affairs of the late pretended Bank of *Upper Canada*, at *Kingston*, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Price*, do carry the said Bill to the Legislative Council, and desire their concurrence.

### *Petitions read.*

Of A. Gardiner  
and others.

Pursuant to the Order of the day the following Petitions were read :

Of A. *Gardiner*, and others, Inhabitants of the Townships of *Nichol* and *Garrafraxa*, County of *Waterloo*, and District of *Wellington*; praying that the Legislative Assembly will adopt such measures for the encouragement of Grammar Schools, in this Province, as shall command the confidence of all classes of the Community.

Of J. Chep  
and others.

Of *James Chep*, and others, Inhabitants of *West Flamborough* and *Ancaster*, in the District of *Gore*, praying that the Legislative Assembly will adopt such measures for the encouragement of Grammar Schools, in this Province, as shall command the confidence of all classes of the community.

Of S. Lelièvre.

Of *Simeon Lélièvre*, of the City of *Quebec*, praying that his salary, as Interpreter to the Court of King's Bench, may be increased.

Of A. Jobin.

Of *André Jobin*, of *Ste. Genevieve*, in the District of *Montreal*, Notary, praying that he may be paid his fees as one of the Commissioners for taking evidence on the contested election of *Olivier Berthelot*, Esquire, in 1833.

Petition of A. Jobin referred to Com. on contingencies.

*Ordered* — That the Petition of *André Jobin*, of *Ste. Genevieve*, in the District of *Montreal*, Notary, be referred to the Special Committee on the contingent accounts and expenses of the present Session.

Com. on Expiring Laws report.

Mr. Solicitor General *Day*, from the Select Committee appointed to inquire what Statutes and Ordinances, now in force in this Province, or in any part thereof, are about to expire, and ought to be continued, presented to the House the report of the said Committee, which was again read at the Clerk's Table, and is as followeth : —

Report.

Your Committee, in compliance with the instructions of Your Honourable House, have carefully examined the Statute Books of each of the late Provinces of *Upper* and *Lower Canada*, and find that the following Laws are about to expire :

An Ordinance of the Special Council for the late Province of *Lower Canada*, passed at the last Session thereof, and intituled "*An Ordinance to facilitate the despatch of the business now before the Court of King's Bench for the District of Montreal*" will expire on the 31st day of *December* next.

An Act of the Parliament of the late Province of *Upper Canada*, passed in the first Session of the thirteenth Parliament, and intituled "*An Act to repeal and amend certain Acts of this Province in relation to the Gold and Silver Coin made current by Law, and to make further provision respecting the rates at which Gold and Silver Coins shall pass current in this Province,*" will expire at the end of the present Session of Parliament.

An Act passed in the second Session of the twelfth Parliament of the same Province, and intituled "*An Act to repeal an Act passed in the forty ninth year of the Reign of His late Majesty King GEORGE the third intituled 'An Act to encourage the destroying of Wolves in this Province and to make further provision for exterminating those destructive animals,'*" will expire at the end of the present Session of Parliament.

An Act passed in the first Session of the same Parliament, and intituled "*An Act to establish Agricultural Societies and to encourage Agriculture in the several Districts of this Province*" will expire at the end of the present Session of Parliament.

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An Act passed in the second Session of the tenth Parliament of the same Province, and intituled "*An Act to authorize the Quarter Sessions of the Home District to provide for the relief of insane destitute persons in that District,*" and also an Act passed in the third Session of the eleventh Parliament, intituled "*An Act to continue an Act passed in the Eleventh year of His late Majesty's Reign, intituled 'An Act to authorize the Quarter Sessions of the Home District to provide for the relief of insane destitute persons in that District, and to extend the provisions of the same to the other Districts of this Province,'*" — will expire at the end of the present Session.

*Ordered* — That the said report be now referred to a Committee of the whole House.

House in Com. on above Report.

The House accordingly resolved itself into the said Committee.

Mr. *Parke* took the chair of the Committee, and after some time spent therein,

Resolution reported.

Mr. Speaker resumed the chair,

And Mr. *Parke* reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth :



## Resolution.

*Resolved* — That it is expedient to continue an Act passed in the *Twelfth* Parliament of the late Province of *Upper Canada*, intituled "*An Act to repeal an Act passed in the forty ninth year of the Reign of His late Majesty King GEORGE the third, intituled 'An Act to encourage the destroying of Wolves in this Province' — and to make further provision for the exterminating those destructive animals.*"

## Bill to continue Wolf Bounty Act brought in.

*Ordered* — That Mr. Solicitor General *Day* have leave to bring in a Bill to continue, for a limited time, a certain Act therein mentioned.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time,

*Ordered* — That the said Bill be read a second time to-morrow.

## Com. on Petition of S. Lelièvre, report.

Mr. *Black*, from the Select Committee to which was referred the Petition of *Simeon Lelièvre*, of the City of *Quebec*, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth :

## Report.

"The Petitioner is the Interpreter to the Court of Criminal Jurisdiction for the District of *Quebec*, an Office which he has held since the 3rd July 1835.

The use of the two languages *French* and *English*, in the District of *Quebec*, renders it necessary that the Courts should be provided with a Translator, and the importance of the Office can only be appreciated by those who have attended these Courts.

Your Committee are convinced that the Petitioner is a deserving Officer, and that he possesses all the qualifications for the correct discharge of a duty, which requires a thorough knowledge of the two languages, and readiness and quickness in expressing, in the one, what has been spoken in the other.

Your Committee have ascertained that the Petitioner is bound to attend at two terms of the Court of King's Bench, and four terms of the Quarter Sessions, in every year, and that the labour of this attendance is severe.

The Salary allotted to the Office held by the Petitioner is Forty Pounds sterling, and has been so since the creation of the Office : and your Committee has felt surprise that notwithstanding the increase in the salaries of almost all the Public Servants in the late Province of *Lower Canada*, since the conquest, and the difficult and laborious nature

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of the duty of the Translator, that Officer has received a salary so inadequate, and so disproportionate to the emoluments of all the other Officers of the Courts, as well as of the Officers of the Government generally.

Your Committee have to express their regret, that notwithstanding the justice of the Petitioner's claim, it is out of their power to do more than to acknowledge it, it being necessary that the Petitioner should procure the recommendation and sanction of the Executive Government, before your Honorable House can extend to him any relief, and your Committee cannot do more, at this time, than to record their opinion that the salary of the Petitioner should be increased to £120 sterling.

## Message from Legislative Council.

A Message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery.

## MR. SPEAKER,

## Bill to repeal Ordinance requiring a pass, passed L. Coun.

The Legislative Council have passed the Bill intituled "*An Act to repeal an Ordinance passed by the Governor and Council of Quebec in the seventeenth year of the Reign of His Majesty King GEORGE the Third, for preventing persons leaving the Province without a pass,*" without any amendment.

And, also,

The Legislative Council have agreed to the amendments sent up by the Assembly, to the amendments made by the Legislative Council to the Bill intituled "*An Act to provide temporarily for the administration of Justice in the Magdalen Islands in the Gulf of Saint Lawrence.*"

And, also,

The Legislative Council have passed the Bill intituled "*An Act for consolidating and amending the Statutes in this Province relative to offences against the person,*" with several amendments, to which they desire the concurrence of the Assembly.

And then he withdrew.

Mr. *Thorburn*, from the Special Committee on the contingent accounts, and other expenses of the present Session, with power to report from time to time, presented to the House the third Report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

Your Committee have considered the Resolution referred to them by Your Honourable House, respecting the remuneration of the Speaker of the late House of Assembly of *Upper Canada*, and find that he received no pay beyond the 30th *June*, 1840, in consequence, Your Committee suppose, of the expiration of the term of the Parliament — though he still continued to perform the duties imposed upon him by the 16th standing order of that House ; therefore, as the salaries of the other officers of the Legislature of *Upper Canada* have been allowed up to the commencement of the present Session, Your Committee have prepared a blank Resolution, for the consideration of your Honourable House, for such remuneration to the late Speaker, as may be deemed fit and proper.

With reference to the Petition of *Alfred Todd* and *Thaddeus Patrick*, your Committee find that they were employed as Clerks in the office of the late Clerk of Assembly of *Upper Canada*, being paid at a rate which has produced to them, for several years past, an annual salary averaging £200 ; but that last year, in consequence of their being no Session of the Legislature, their receipts fell far short of that amount ; your Committee therefore beg to recommend, that as the Union of the Provinces has been the means, unavoidably, of depriving

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these individuals of their permanent standing in the office, and a similar allowance having been already made by your Honourable House to another of the Clerks under the same circumstances, the amount of the above deficiency for the last year may be made good to them — and submit, herewith, a blank Resolution for that purpose.

The Petition of *P. A. Weibrenner*, claiming the sum of £27 9s., as remuneration for acting as Clerk in taking evidence relative to the election of *Oliver Berthelet*, Esquire, as a member of the Assembly of *Lower Canada*, for the *East Ward* of the City of *Montreal* in 1833 and 1834, and making copies of the same, has been also considered ; the claim has already been recognized by the Assembly of that Province, and your Committee consider that he is justly entitled to the amount, and have therefore prepared a Resolution in his favour.

Your Committee have considered the Petition of *André Jobin*, and ascertain that an account is due him of £32 5s. for his services as a Commissioner for taking evidence in the same case ; the said sum was awarded to him by a Resolution of the House of Assembly of *Lower Canada*, on the 26th *February*, 1836, but was never paid, on account of the general supply Bill, in which it was included, not having passed into a Law — your Committee therefore report a Resolution in his favour.

Amendments of Assembly to amendments of L. Coun. to Magdalen Islands Justice Bill agreed to.

Bill respecting offences against the person sent down amended.

Com. on Contingencies present 3rd report, on remuneration of late Speaker of Upper Canada Assembly, on Petition of A. Todd & T. Patrick, P. A. Weibrenner, A. Jobin, Alpheus Todd, R. Defries and others, and M. McCarty, and on Report on Petition of E. Parent.

Report.

Report.

With reference to the Petition of *Alpheus Todd*, praying remuneration for a work compiled by him, intitled "The Practice and Privileges of the two Houses of Parliament;" your Committee have ascertained that the said work was printed in order of the late House of Assembly of *Upper Canada*, for the use of the Legislature, with an understanding that the Petitioner should be allowed such sum therefor, at the next Session, as, upon a due examination of the work, might be considered sufficient to remunerate him for his labour and research. The amount claimed by the Petitioner is £200, the work having occupied him, with very close application, for upwards of a twelvemonth. Your Committee, conceiving that your Honourable House are sufficiently acquainted with the work to be able to decide on its merits, have prepared a blank Resolution, to be filled in with such sum as may be deemed adequate to the importance of the work.

The Report of the Select Committee on the Petition of *E. Parent*, Esquire, has been carefully considered by your Committee; they find the facts of the case to be as follows: Mr. *Parent* was appointed by the House of Assembly of the late Province of *Lower Canada*, as Law Clerk to that body, on the 13th November, 1835, at a salary of £200 per annum; but, owing to some misunderstanding on the part of the Executive Government, he has never received any portion of his salary, though he has performed the duties of his office. Your Committee therefore recommend that a Resolution do pass, granting him his full salary, at the rate of £200 per annum, till the suspension of the constitution of *Lower Canada*, on 30th March, 1838; and one moiety of his salary (the proportion allowed during that time to the other officers of the Legislature) being at the rate of £100 per annum, from that period to the day of his election as a member of your Honourable House, with such further remuneration on account of his salary having been so long withheld from him, as to your Honourable House may seem meet.

With regard to the Petitions of *Robert Defries*, and others, and *Michael McCarthy*, Messengers to the late House of Assembly of *Upper Canada*, praying to be allowed the sum of £20 each on account of their having been no Session of Parliament last year, your Committee cannot consider them as entitled to that amount, but in consideration of the circumstances of the case, recommend that they be allowed the sum of £10 each to satisfy all demands, of every description, up to the commencement of the present Session.

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3rd Report of Con-  
tingent Committee.

Your Committee have also examined the following accounts, owing by the late House of Assembly of *Upper Canada*, and finding them to be correct and just, therefore recommend them for immediate payment, and have prepared a Resolution to include them, viz:—

<i>R. Brewer</i> , his account for extra binding 5th Session, 13th Parliament .....	£28	6	8
Librarian to the Assembly of <i>Upper Canada</i> , his Salary from 7th November, 1840, to 14th June, 1841, ditto, £75 per annum .....	45	0	0
Deputy Librarian, do. his Salary from do. to do. £25 .....	15	0	0
<i>King Barton</i> , his Salary as Chamber Messenger, from do. to do. at £30 .....	18	0	0
<i>Hugh Scobie</i> , advertising missing Books from the Library .....		12	6
<i>Henry Hamilton</i> , 12 Cords of Wood .....	7	10	0
<i>Simon Wiggins</i> .....	5	14	0
	£120	3	8

Your Committee believe that these accounts are all that now remain due, on account of the Houses of Assembly of either of the late Provinces of *Upper* and *Lower Canada*.



Report referred to  
Com. of whole  
to-morrow.

*Ordered* — That the said Report be referred to a Committee of the whole House to-morrow.

Amendments of Leg.  
Council to Larceny  
Bill considered.

On motion of Mr. Black, seconded by Mr. Cartwright,  
*Ordered* — That the amendments made by the Legislative Council to the Bill intituled "*An Act for consolidating and amending the Laws in this Province relative to Larceny, and other offences connected therewith,*" be now taken into consideration.

The House proceeded accordingly to take the said amendments into consideration.

And the said amendments were read, and are as followeth : —

Amendments.

Press 1, Line 15 — Leave out all the words after "after" to "Parliament" in the sixteenth line, inclusively, and insert "the first day of January, one thousand eight hundred and forty-two."

Press 1, Line 33. — Leave out from "transported" to "imprisoned" in the thirty-fourth line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary, for any term not less than seven years, or to be imprisoned in any other prison or place of confinement."

Press 1, Line 43. — After "Gaol" insert "or."

Press 1, Line 44. — Leave out "or Penitentiary."

Press 3, Line 2. — Leave out from "transported" to "years" in the fifth line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary for the term of his natural life, or for any term not less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 3, Line 20. — Leave out from "transported" to "years" in the twenty-third line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary for the term of his natural life, or for any term not less than seven years, or to be imprisoned in any other place of confinement for any term not exceeding two years."

Press 3, Line 27. — Leave out from "transported" to "years" in the 30th line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary, for any term not exceeding fourteen years, nor less than seven years, or to be imprisoned in any prison or place of confinement for any term not exceeding two years."

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Press 4, Line 11. — Leave out from "transported" to "years" in the thirteenth line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary for any term not less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 4, Line 19. — Leave out from "transported" to "years" in the twenty-second line, and insert "imprisoned at hard labour in the Provincial Penitentiary for any term not less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 4, Line 31. — Leave out from "transported" to "years" in the thirty-third line, and insert "imprisoned at hard labour in the Provincial Penitentiary for the term of his natural life, or for any term not less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 5, Line 4. — Leave out from "transported" to "years" in the seventh line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary for any term not exceeding fourteen years, nor less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 5, Line 27. — Leave out from "transported" to "years" in the thirtieth line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary for any term not exceeding fourteen years, nor

Amendments of Leg.  
Council to Larceny  
Bill.

"less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 6, Line 6. — Leave out from "transported" to "years" in the ninth line inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary for any term not exceeding fourteen years, nor less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 7, Lines 7 & 8. — Leave out "record" and insert "justice."

Press 7, Line 17. — Leave out from "transported" to "years" in the eighteenth line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary for any term not exceeding fourteen years, nor less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 8, Line 30. — Leave out from "transported" to "years" in the thirty-second line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary for any term not exceeding fourteen years, nor less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 11, Line 4. — Leave out from "transported" to "years" in the 6th line, and insert "imprisoned at hard labour in the Provincial Penitentiary, for any term not exceeding fourteen years, nor less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 12, Line 10. — Leave out from "transported" to the words "seven years," inclusively, in the eleventh line, and insert "imprisoned at hard labour in the Provincial Penitentiary, for any term not less than seven years, or imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 13, Line 15. — Leave out from "transported" to the words "seven years" inclusively, in the sixteenth line, and insert "imprisoned at hard labour in the Provincial Penitentiary for any term not less than seven years, or imprisoned in any other prison or place of confinement for any term not exceeding two years."

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Press 14, Line 9 — Leave out from "transported" to the words "seven years" inclusively, in the tenth line, and insert "imprisoned at hard labour in the Provincial Penitentiary, for any term not exceeding fourteen years, nor less than seven years, or imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 14, Line 36 — Leave out from "transported" to "years" in the thirty-ninth line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary, for any term not exceeding fourteen years, nor less than seven years, or imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 15, Line 11 — Leave out from "transported" to "imprisoned" in the twelfth line, inclusively, and insert, "imprisoned at hard labour in the Provincial Penitentiary for any term not less than seven years, or to be imprisoned in any other prison or place of confinement."

Press 16, Line 22 — Leave out from "transported" to "years" in the twenty-fourth line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary, for any term not less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

Amendments  
agreed to.

And the said amendments being again read, they were agreed to by the House.

*Ordered* — That Mr. Black, do carry back the said Bill to the Legislative Council, and acquaint their Honors that this House hath agreed to their amendments.

Amendments of Leg.  
Council respecting  
malicious injuries to  
property considered.

On motion of Mr. Black, seconded by Mr. Cartwright,  
*Ordered* — That the amendments made by the Legislative Council to the Bill intituled "*An Act for consolidating and amending the Laws in this Province relative to malicious injuries to property,*" be now taken into consideration.

The House proceeded accordingly to take the said amendments into consideration.

Amendments.

And the said amendments were read, and are as followeth : —

Press 1, Line 10 — Leave out all the words after "after" to "Parliament" in the 11th line, inclusively, and insert the first day of *January*, one thousand and eight hundred and forty two."

Press 1, Line 24 — Leave out from "transported" to "years" in the 26th line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary for the term of his natural life, or for any term not less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 1, Line 43 — Leave out from transported to "imprisoned" in the 44th line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary for any term not less than seven years, or to be imprisoned in any other prison or place of confinement."

Press 2, Line 1 — Leave out "four" and insert "two."

Press 2, Line 11 — Leave out from "transported" in the 12th line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary, for any term not less than seven years, or in any other prison or place of confinement."

Press 2, Line 24 — Leave out from "transported" to "years" in the 26th line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary for the term of his natural life, or for any term not less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 2, Line 46 — Leave out from "transported" to "years" in the 2nd. line, Press 3, inclusively, and insert "imprisoned at hard labour

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Amendments of Leg.  
Council to Bill res-  
pecting malicious in-  
juries to property.

in the Provincial Penitentiary for the term of his natural life, or for any term not less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 3, Line 16 — Leave out from "transported" to "years" in the tenth line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary for the term of his natural life, or for any term not less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 3, Line 8 — Leave out from "transported" to "years" in the 18th line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary, for any term not less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 4, Line 21 — Leave out from "transported" to "years" in the 23d line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary for any term not less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 4, Line 28 — Leave out from "transported" to "years" in the 30th line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary, for the term of his natural life, or for any term not less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 6, Line 45 — After "Gaol," insert "or."

Press 6, Line 46 — Leave out "or Penitentiary."

Amendments  
agreed to.

And the said amendments being again read, they were agreed to by the House.



*Ordered* — That Mr. *Black* do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath agreed to their amendments.

Amendments of Leg. Council to Bill respecting offences against the person, considered.

On motion of Mr. *Black*, seconded by Mr. *Cartwright*,  
*Ordered* — That the amendments made by the Legislative Council to the Bill intituled "*An Act for consolidating and amending the Statutes in this Province relative to offences against the person*," be now taken into consideration.

The House proceeded accordingly to take the said amendments into consideration.

And the said amendments were read, and are as followeth : —

Amendments.

Press 1, Line 13 — Leave out the words after "after" to "Parliament," in the 14th line, inclusively, and insert "the first day of *January*, one thousand eight hundred and forty two."

Press 1, Line 26 — Leave out from "transported" to "years" in the 28th line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary, for the term of his natural life, or for any term not less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 2, Line 30 — Leave out from "transported" to "years," in the 32d line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary for the term of his natural life, or for any term not less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 3, Line 15 — Leave out from "transported" to "years," in the 18th line, and insert "imprisoned at hard labour in the Provincial Penitentiary for the term of his natural life, or for any term not less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

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Amendments of Leg. Council to Bill respecting offences against the person.

Press 3, Line 30 — Leave out from "transported" to "years," in the 33d line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary for the term of his natural life, or for any term not less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 4, Line 6 — Leave out from "transported" to "years," in the 9th line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary for the term of his natural life, or for any term not less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 4, Line 17 — Leave out from "transported" to "years," in the 20th line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary for the term of his natural life, or for any term not less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 5, Line 38 — Leave out from "transported" to "years" in the 41st line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary, for any term not less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 6, Line 24. — Leave out from "transported" to "imprisoned" in the 25th line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary, for any term not less than seven years, or to be imprisoned in any other prison or place of confinement."

Press 6, Line 41. — Leave out from "transported" to "imprisoned" in the 42nd line, inclusively, and insert "imprisoned at hard labour in the Provincial Penitentiary, for any term not less than seven years, or to be imprisoned in any other prison or place of confinement."

Press 7, Line 36 — Leave out from "transported" in the 39th line, inclusively, and insert "imprisoned at hard labour in the Provincial

Penitentiary, for any term not less than seven years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

Press 8, Line 43 — Leave out "two Justices" and insert "any justice."

Press 9, Line 1. — Leave out "them" and insert "him."

Press 9, Line 3. — Leave out "them" and insert "him."

Press 9, Line 5. — Leave out "them" and insert "him."

Press 9, Line 18 — Leave out "Justices" and insert "Justice."

Press 9, Line 21 — Leave out "Justices" and insert "Justice."

Press 9, Line 22 — Leave out "them" and insert "him."

Press 9, Line 26 — Leave out "Justices" and insert "Justice."

Press 9, Line 32 — Leave out "they" and insert "he."

Press 9, Line 33 — Leave out "their" and insert "his."

Press 9, Line 35 & 36 — After "preferred" insert "and if such costs shall not be paid immediately upon dismissal, or within such period as such Justice shall, at the time of such dismissal, appoint, it shall be lawful for him to issue his warrant to levy the amount of such costs, within a certain time to be in the said Warrant expressed, and in case no distress sufficient to satisfy the amount of such warrant shall be found, to commit the party by whom such costs shall be so ordered to be paid, as aforesaid, to the Common Gaol of the District, County, or Division, where such offence shall be alleged to have been committed, there to be imprisoned for any term not exceeding ten days, unless such costs shall be sooner paid."

Press 10, Line 2 — After twenty eighth clause, bring in clause.

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Amendments of Leg.  
Council to Bill res-  
pecting offences  
against the person.

"And be it enacted, that when any person shall be summarily convicted before a Justice of the Peace, of any offence against this Act, it shall be lawful for such Justice, if he shall so think fit, to discharge the offender from his conviction, upon his making such satisfaction to the party aggrieved for damages and costs, or either of them, as shall be ascertained by the said Justice."

Press 10, Line 4 — Leave out "Justices" and insert "Justice."

Press 10, Line 7 — Leave out "they" and insert "he."

Press 10, Line 9 — Leave out "they" and insert "he."

Press 10, Line 12 — Leave out "Justices" and insert "Justice."

Press 10, Line 17 — After the 39th Clause, insert the following clauses : —

#### B.

"And be it enacted, That if any person shall wilfully disturb, interrupt, or disquiet, any assemblage of persons met for religious worship, by profane discourse, by rude or indecent behaviour, or by making a noise, either within the place of worship, or so near it as to disturb the order or solemnity of the meeting, such person shall, upon conviction thereof before any Justice of the Peace, on the oath of one or more credible witness or witnesses, forfeit and pay such a sum of money, not exceeding five pounds, as the said Justice shall think fit.

#### C.

"And be it enacted, that in default of payment of any fine imposed under the authority of this Act, on a summary conviction before any Justice of the Peace, together with the costs attending the same, within the period specified for the payment thereof at the time of conviction by the Justice before whom such conviction may have taken place, it shall and may be lawful for such Justice to issue his warrant, directed to any Constable, to levy the amount of such fine and costs, within a certain time to be in the said warrant specified; and in case no distress sufficient to satisfy the amount shall be found, it shall and may be lawful for him to commit the offender to the common Gaol of the

District wherein the offence was committed, for any term not exceeding one month, unless the fine and costs shall be sooner paid.

D.

"And be it enacted, that any person who shall think himself aggrieved by any summary conviction or decision under this Act, as aforesaid, they appeal to the next Court of General or Quarter Sessions, which shall be holden not less than twelve days after the day of such conviction or decision, for the District wherein the cause of complaint shall have arisen; Provided always that such person shall give to the other party a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction or decision, and seven days, at the least, before such Sessions, and shall also either remain in custody until the Sessions, or enter into a recognizance, with two sufficient sureties, before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such appeal, and to abide the Judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded; and upon such notice being given, and such recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such person, if in custody, and the Court at such Sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without cost to either party, as to the Court shall seem meet, and in case of the dismissal of the appeal, or the affirmance of the conviction, shall order

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and adjudge the offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall if necessary, issue process for enforcing such judgment.

Amendments of Leg.  
Council to Bill res-  
pecting offences  
against the person.

E.

"And be it enacted, that whenever an appeal shall be made from the decision of any Justice under this Act, as aforesaid, the Court of General or Quarter Sessions shall have power to empanel a Jury, to try the matter on which such decision may have been made, and the Court, on the finding of such Jury, under oath, shall thereupon give such Judgment as the circumstances of the case may require: Provided always that such Court shall not in any case adjudge the payment of a fine exceeding five pounds, in addition to the costs, or order the imprisonment of the person so convicted for any period exceeding one month; and all fines imposed and recovered by the Judgment of such Court, shall be applied and disposed of in the same manner as other fines recovered under the provisions of this Act."

Press 10, Line 31 — After "Gaol" insert "or."

Press 10, same Line — Leave out "or Penitentiary."

Press 10, Line 37 — Leave out from "Provided" to "months" inclusively in the forty first line.

Press 11, Line 14 — After the 33d Clause, bring in Clause.

F.

"And be it enacted, that it shall be lawful for the Queen's Majesty, and for the Governor, Lieutenant Governor, or person administering the Government of this Province, to extend the Royal mercy to any person imprisoned by virtue of this Act, although he shall be imprisoned for non-payment of money to some party other than the Crown."

Press 11, Line 20 — Leave out from "before" to "Peace," inclusively, to the 21st. line.

Press 11, Line 24 — Leave out "Justices" and insert "Justice."

Press 11, Line 26 — Leave out "their" and insert "his."

Press 11, Line 27 — Leave out "them" and insert "himself, or some other Justice of the Peace."

Press 11, Line 36 — Leave out "Justices" and insert "Justice."

Press 12, Line 4 — Leave out "us, (naming the Justices) two," and insert "me, (naming the Justice) one."



Press 12, Line 8 — Leave out “we, the said Justices,” and insert “I, the said Justice.”

Press 12, Line 11 — Leave out “we,” and insert “I.”

Press 12, Line 17 — Leave out “we,” and insert “I.”

Press 12, Line 19 — Leave out “we,” and insert “I.”

Press 12, Line 24 — Leave out “we,” and insert “I.”

Press 12, Line 26 — Leave out “our hands,” and insert “my hand.”

And the said amendments being again read they were agreed to by the House.

*Ordered* — That Mr. *Black* do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath agreed to their amendments.

On motion of Mr. *Cartwright*, seconded by Mr. *Buchanan*,

*Ordered* — That the Order of this House of the 27th of *August* last, referring the final Report of the Select Committee on the currency and banking to a Committee of the whole House, be discharged, and that the said Report be referred to a Committee of the whole House on the Bill to increase the Capital Stock of the Commercial Bank of the *Midland District*.

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Mr. *Dunlop* moved, seconded by Mr. *Morin*,

That the Order of the day for the House in Committee on the Report of the Special Committee to which was referred the Address passed by the late House of Assembly of *Upper Canada*, in favor of *Anthony Manahan*, Esquire, be now read.

The question having been put upon the said motion, a division ensued, and it passed in the Negative.

On motion of Mr. *Parent*, seconded by Mr. *Neilson*,

*Ordered* — That the Clerk of this House be instructed to cause a general statement of the business of this House, during the present Session, to be made, and printed, for the use of the members, stating the number of Petitions introduced, and the number of Committees appointed — the titles of all Bills introduced in the House, and of those sent to the Legislative Council, and also of those sent down from the Legislative Council — distinguishing those passed and rejected in either House, as not assented to, or reserved for the signification of Her Majesty's Pleasure, by His Excellency, the Governor General, and those of which amendments in one House have not been concurred in by the other House.

On motion of Mr. *Roblin*, seconded by Mr. *Merritt*.

*Resolved* — That this House will, to-morrow, resolve itself into a Committee of the whole House, to take into consideration the expediency of repealing an Act of the Legislature of the late Province of *Upper Canada*, passed in the second year of Her Majesty's Reign, intitled “*An Act to provide for the advancement of Education in this Province.*”

On motion of Mr. *Quesnel*, seconded by Mr. *Neilson*,

*Ordered* — That the Resolutions of the Legislative Council, relating to the Library of the Legislative Council of the late Province of *Lower Canada*, together with a moiety of the Books belonging to the Legislature of *Upper Canada*, communicated to this House by message, on the 29th of *July* last, be referred to a Committee of the whole House to-morrow.

*Ordered* — That it be an instruction to the said Committee to enquire whether any of the Books belonging to the Library of the Legislature of the late Province of *Lower Canada*, may be left or restored, to be kept in the Legislative Buildings at *Quebec*, without inconvenience to the Public service.

Amendments  
agreed to.

Final Report of Com.  
on Currency & Bank-  
ing referred to Com.  
of whole on Midland  
District Bank stock  
increase Bill.

Motion for House in  
Com. on Rep. res-  
pecting A. Manahan,  
Esq.

House to go into  
Com. to-morrow, on  
repealing Education  
Act of U. C.

Resolutions of Leg.  
Council on Library  
referred to Com. of  
whole to-morrow.

Instruction to above  
Committee.

500 Copies of proceedings relative to supply, to be printed in each language.

On motion of Mr. *Aylwin*, seconded by Mr. *Neilson*,

*Ordered* — That 500 Copies of the proceedings of this House, previous to entering into a Committee of supply, be printed, in each of the *English* and *French* languages, for the use of the members of this House.

On motion of the Honourable Mr. *Harrison*, seconded by Mr. *Solicitor Day*,

Certain Bills to be taken up after the routine business of to-day.

*Ordered* — That the several Orders of the day, for the House in Committee, on the Bill to facilitate the negotiation of a loan in *England*, and for other purposes therein mentioned ; — on the Bill to repeal certain acts therein mentioned, and to consolidate the Laws relating to the Provincial duties to be levied on Goods, Wares, and Merchandize, imported into this Province ; on the Bill to make certain alterations in the laws relative to duty upon sales of property by auction ; on the Bill for levying a certain rate or duty on Bank notes, issued and in circulation in this Province ; on the Bill to impose a duty on Distilleries in that part of the Province heretofore *Lower Canada* ; — and, on the Bill to appropriate certain sums of money for Public improvements in this Province, and for other purposes therein mentioned — be taken into consideration, and proceeded upon, after the routine business of this day.

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Chairman of Com. of whole on Bill for recovery of Small debts in Canada E. reports Amendments to Bill.

Mr. *Chesley*, from the Committee of the whole House on the Bill to provide for the more easy and expeditious administration of Justice in Civil causes, and matters involving small pecuniary value, in that part of this Province heretofore *Lower Canada*, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Bill to be engrossed.

Mr. Attorney General *Ogden* moved, seconded by Mr. *Aylwin*,

That the said Bill, as amended, be engrossed.

The question having been put upon the said motion, a division ensued, and it was carried in the Affirmative.

*Ordered* — Accordingly.

Bill for recovery of small debts in Canada East, passed.

An engrossed Bill to provide for the more easy and expeditious administration of Justice in Civil Causes and matters involving small pecuniary value, in that part of this Province heretofore *Lower Canada*, was read for the third time.<sup>1</sup>

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. Attorney General *Ogden* do carry the said Bill to the Legislative Council, and desire their concurrence.

Chairman of Com. of whole on Message and Report on Civil Estimates reports Resolutions.

Mr. *Roblin*, from the Committee of supply to take into consideration the Message of His Excellency, the Governor General, relating to the Estimates for the year ending 31st *December*, 1841 ; and the Report of the Select Committee, to which was referred so much of the Message of His Excellency, the Governor General, as relates to the said Estimates — together with the documents connected therewith, reported, according to order, the Resolutions of the said Committee, which Resolutions were again read at the Clerk's table, and are as followeth : —

1st Resolution :  
£19 3s. 6d. salary of Clerk in Lt. Governor's office, U. C. up to Union.

1. *Resolved* — That a sum not exceeding nineteen pounds, three shillings and six pence, currency, be granted to Her Majesty to defray the salary of one Clerk in the Lieutenant Governor's Office, in that part of this Province heretofore *Upper Canada*, from the 1st day of *January* to the 9th day of *February*, 1841, both days inclusive.

2nd Resolution :  
£219 3s. 6d., contingencies, same office.

2. *Resolved* — That a sum not exceeding two hundred and nineteen pounds, three shillings and six pence, currency, be granted to Her Majesty to defray the Contingent Expenses of the Lieutenant Governor's Office, in that part of this Province heretofore *Upper Canada*, for the same period.

3rd Resolution :  
£38 7s. 1d., chief  
Clerk, Sec. & Reg.'s  
office, U. C.  
(1st Dep.)

4th Resolution :  
£38 7s. 1d. Junior  
Clerks, same office.

5th Resolution :  
£32 17s. 6d. chief  
Clerk, (2nd Dep.)  
same office.

6th Resolution :  
£32 17s. 6d. chief  
Clerk, (3rd Dep.)  
same office.

7th Resolution :  
£38 7s. 1d., Junior  
Clerks, same Dep.

8th Resolution :  
£54 15s. 10d. Con-  
tingencies, same  
office.

9th Resolution :  
£92 1s. 1d. Four  
Clerks, Exc. Council  
Office, U. C.

10th Resolution :  
£21 18s. 4d. Contin-  
gencies, same office.

11th Resolution :  
£73 8s. 5d., Clerks,  
Receiver Gen. Office,  
U. C.

12th Resolution :  
£21 18s. 4d. Contin-  
gencies, same office.

13th Resolution :  
£73 8s. 5d. Clerks  
Inspector Gen. Office,  
U. C.

14th Resolution :  
£27 7s. 11d., Contin-  
gencies, same office.

15th Resolution :  
£32 17s. 6d., Senior  
Surveyor, Surv. Gen.  
Office, U. C.

3. *Resolved* — That a sum not exceeding thirty eight pounds, seven shillings and one penny, currency, be granted to Her Majesty to defray the salary of the Chief Clerk in the Secretary and Registrar's Office (First Department) in that part of this Province heretofore *Upper Canada*, for the same period.

4. *Resolved* — That a sum not exceeding thirty eight pounds, seven shillings and one penny, currency, be granted to Her Majesty to defray the salaries of two Junior Clerks in the Secretary and Registrar's Office (First Department) in that part of this Province heretofore *Upper Canada*, for the same period.

5. *Resolved* — That a sum not exceeding thirty two pounds, seven-  
teen shillings and six pence, currency, be granted to Her Majesty to  
defray the salary of one Senior Clerk in the Secretary and Registrar's  
Office (Second Department) in that part of this Province heretofore  
*Upper Canada*, for the same period.

6. *Resolved* — That a sum not exceeding thirty two pounds, seven-  
teen shillings and six pence, currency, be granted to Her Majesty to de-  
fray the salary of the Senior Clerk in the Secretary and Registrar's  
Office (Third Department) in that part of this Province heretofore  
*Upper Canada*, for the same period.

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7. *Resolved* — That a sum not exceeding thirty eight pounds, seven shillings and one penny, currency, be granted to Her Majesty to defray the salary of two Junior Clerks in the Secretary and Registrar's Office (Third Department) in that part of this Province heretofore *Upper Canada*, for the same period.

8. *Resolved* — That a sum not exceeding fifty four pounds, fifteen shillings and ten pence, currency, be granted to Her Majesty to defray the contingent expenses of the Secretary and Registrar's Office, in that part of this Province heretofore *Upper Canada*, for the same period.

9. *Resolved* — That a sum not exceeding ninety two pounds, one shilling and one penny, currency, be granted to Her Majesty to defray the salaries of four Clerks in the Executive Council Office, in that part of this Province heretofore *Upper Canada*, for the same period.

10. *Resolved* — That a sum not exceeding twenty one pounds, eighteen shillings and four pence, currency, be granted to Her Majesty to defray the contingent expenses of the Executive Council Office, for that part of this Province heretofore *Upper Canada*, for the same period.

11. *Resolved* — That a sum not exceeding seventy three pounds, eight shillings, and five pence, currency, be granted to Her Majesty, to defray the salaries of three Clerks in the Receiver General's Office, for that part of this Province heretofore *Upper Canada*, for the same period.

12. *Resolved* — That a sum not exceeding twenty one pounds, eighteen shillings, and four pence, currency, be granted to Her Majesty, to defray the contingent expenses of the Receiver General's Office, for that part of this Province heretofore *Upper Canada*, for the same period.

13. *Resolved* — That a sum not exceeding seventy three pounds, eight shillings, and five pence, currency, be granted to Her Majesty, to defray the salaries of three Clerks in the Inspector General's Office, for that part of this Province heretofore *Upper Canada*, for the same period.

14. *Resolved* — That a sum not exceeding twenty seven pounds, seven shillings, and eleven pence, currency, be granted to Her Majesty, to defray the contingent expenses of the Inspector General's Office, for that part of this Province heretofore *Upper Canada*, for the same period.

15. *Resolved* — That a sum not exceeding thirty two pounds, seven-  
teen shillings, and six pence, currency, be granted to Her Majesty, to  
defray the salary of the Senior Surveyor in the Surveyor General's



16th Resolution :  
£129 6s. 3d. Clerks,  
same Office.

17th Resolution :  
£13 3s. Contingen-  
cies, same Office.

18th Resolution :  
£18 12s. 7d., Clerk  
in Office of Adj't.  
Gen. U. C.

19th Resolution :  
£32 17s. 6d. Contin-  
gencies, same Office.

20th Resolution :  
£94 19s. 6d. add'l  
Salary of Att'y Gen.  
U. C.

21st Resolution :  
£41 8s. Add'l Salary  
of Sol'r Gen. U. C.

22nd Resolution :  
£87 13s. 5d. Criminal  
Prosecutions,  
U. C.

23rd Resolution :  
£4 7s. 8d. Usher &  
Keeper, Queen's  
Bench, U. C.

24th Resolution :  
£82 3s. 10d. Govern-  
ment Printing, U. C.

25th Resolution :  
£87 13s. 5d., Contin-  
gencies of Public  
Offices, U. C.

26th Resolution :  
£6 11s. 6d., Contin-  
gencies, Clerk of  
Crown, U. C.

27th Resolution :  
£619 3s. 6d., annual  
appropriation for  
Common Schools,  
U. C.

28th Resolution :  
£5000. Arrears of  
Contingencies of Le-  
gislative Assembly  
U. C.

Office, for that part of the Province heretofore *Upper Canada*, for the same period.

16. *Resolved* — That a sum not exceeding one hundred and twenty nine pounds, six shillings, and three pence, currency, be granted to Her Majesty, to defray the salaries of six Clerks in the Surveyor General's Office, for that part of this Province heretofore *Upper Canada*, for the same period.

17. *Resolved* — That a sum not exceeding thirteen pounds, and three shillings, currency, be granted to Her Majesty to defray the contingent expenses of the Surveyor General's Office, for that part of this Province heretofore *Upper Canada*, for the same period.

18. *Resolved* — That a sum not exceeding eighteen pounds, twelve shillings, and seven pence, currency, be granted to Her Majesty, to defray the salary of one Clerk in the Adjutant General's Office, for that part of this Province heretofore *Upper Canada*, for the same period.

19. *Resolved* — That a sum not exceeding thirty two pounds, seventeen shillings, and six pence, currency, be granted to Her Majesty, to defray the contingent expenses of the Adjutant General's Office, for that part of this Province heretofore *Upper Canada*, for the same period.

20. *Resolved* — That a sum not exceeding ninety four pounds, nine-  
teen shillings, and six pence, currency, be granted to Her Majesty, to

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defray the charge of the additional salary of the Attorney General for that part of this Province heretofore *Upper Canada*, for the same period.

21. *Resolved* — That a sum not exceeding forty one pounds, eight shillings, currency, be granted to Her Majesty, to defray the charge of the additional salary of the Solicitor General of that part of this Province heretofore *Upper Canada*, for the same period.

22. *Resolved* — That a sum not exceeding eighty seven pounds, thirteen shillings, and five pence, currency, be granted to Her Majesty, to defray the expenses of criminal prosecutions, of that part of this Province heretofore *Upper Canada*, for the same period.

23. *Resolved* — That a sum not exceeding four pounds, seven shillings, and eight pence, currency, be granted to Her Majesty, to defray the salary of the Usher and Keeper of the Court of Queen's Bench, of that part of this Province heretofore *Upper Canada*, for the same period.

24. *Resolved* — That a sum not exceeding eighty two pounds, three shillings, and ten pence, currency, be granted to Her Majesty, to defray the expenses of the Government printing of that part of this Province heretofore *Upper Canada*, for the same period.

25. *Resolved* — That a sum not exceeding eighty seven pounds, thirteen shillings, and five pence, currency, be granted to Her Majesty, to defray the contingent expenses of the Public Offices of that part of this Province heretofore *Upper Canada*, for the same period.

26. *Resolved* — That a sum not exceeding six pounds, eleven shil-  
lings, and six pence, currency, be granted to Her Majesty, to defray the contingent expenses of the Office of the Clerk of the Crown, of that part of this Province heretofore *Upper Canada*, for the same period.

27. *Resolved* — That a sum not exceeding six hundred and nineteen pounds, three shillings, and six pence, currency, be granted to Her Majesty, to defray the charge on the annual appropriation for Common Schools, of that part of this Province heretofore *Upper Canada*, for the same period.

28. *Resolved* — That a sum not exceeding five thousand pounds, currency, be granted to Her Majesty, to defray the arrears of con-  
tingent expenses of the Legislature of that part of this Province here-  
tofore *Upper Canada*, for the same period.

29th Resolution :  
£200, Casual & Extraordinary Expenses, U. C.

30th Resolution :  
£5030 16s. 6d., Common Schools, U. C.

31st Resolution :  
£989 6s. 10½d., U. C. College.

32nd Resolution :  
£371 0s. 1½d., Central School, Toronto.

33rd Resolution :  
£66 15s. 7½d., Peterborough School.

34th Resolution :  
£53 8s. 6d. Contingencies, Clerk of Crown, U. C.

35th Resolution :  
£11,271, Penitentiary.

36th Resolution :  
£3000, Printing Revised Statutes.

37th Resolution :  
£2,500, Owen's Sound Road.

38th Resolution :  
£500, Toronto Hospital.

39th Resolution :  
£350, House of Industry, Toronto.

40th Resolution :  
£350, Sick and Poor at Kingston.

41st Resolution :  
£500, Commissioners on Losses by late Rebellion.

42nd Resolution :  
£300, Casual and Extraordinary Expenses, U. C.

43rd Resolution :  
£112 10s. st'g, Adjutant Gen. of Militia, U. C.

29. *Resolved* — That a sum not exceeding two hundred pounds, currency, be granted to Her Majesty, to defray the casual and extraordinary expenses of that part of this Province heretofore *Upper Canada*, for the same period.

30. *Resolved* — That a sum not exceeding five thousand and thirty pounds, sixteen shillings, and six pence, currency, be granted to Her Majesty, for the support of Common Schools, in that part of this Province, heretofore *Upper Canada*, from the 10th of *February* to the 31st *December* 1841, both days inclusive.

31. *Resolved* — That a sum not exceeding nine hundred and eighty nine pounds, six shillings, and ten pence, half penny, currency, be granted to Her Majesty, for aid in support of the *Upper Canada* College, for the same period.

32. *Resolved* — That a sum not exceeding three hundred and seventy one pounds, and one penny, farthing, currency, be granted to Her Majesty, for the support of the Central School in the City of *Toronto*, for the same period.

33. *Resolved* — That a sum not exceeding sixty six pounds, fifteen shillings, and seven pence half penny currency, be granted to Her Majesty, for the support of the *Peterborough* School, in that part of this Province heretofore *Upper Canada* for the same period.

34. *Resolved* — That a sum not exceeding fifty three pounds, eight shillings, and six pence, currency, be granted to Her Majesty, to defray

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the contingent expenses of the Office of the Clerk of the Crown of that part of this Province heretofore *Upper Canada*, for the same period.

35. *Resolved* — That a sum not exceeding eleven thousand, two hundred, and seventy one pounds, currency, be granted to Her Majesty, for aid in support of the Provincial Penitentiary, of that part of this Province heretofore *Upper Canada*, for the same period.

36. *Resolved* — That a sum not exceeding three thousand pounds, currency, be granted to Her Majesty, to pay for printing the Revised Statutes, of that part of this Province heretofore *Upper Canada*, for the same period.

37. *Resolved* — That a sum not exceeding two thousand five hundred pounds, currency, be granted to Her Majesty to defray the expense of completing the Road from *Garrafraxa* to *Owen's Sound*, of that part of this Province heretofore *Upper Canada*.

38. *Resolved* — That a sum not exceeding five hundred pounds, currency, be granted to Her Majesty, for support of the *Toronto* General Hospital for the same period.

39. *Resolved* — That a sum not exceeding three hundred and fifty pounds, currency, be granted to Her Majesty, for aid in support of the House of Industry at *Toronto*, for the same period.

40. *Resolved* — That a sum not exceeding three hundred and fifty pounds, currency, be granted to Her Majesty, for the relief of sick and indigent persons at *Kingston*, for the same period.

41. *Resolved* — That a sum not exceeding five hundred pounds, currency, be granted to Her Majesty to defray the expenses of Commissioners to be appointed to ascertain claims for losses during the late rebellion, of that part of this Province heretofore *Upper Canada*, for the same period.

42. *Resolved* — That a sum not exceeding three hundred pounds, currency, be granted to Her Majesty to defray the casual and extraordinary expenses of that part of this Province heretofore *Upper Canada*, for the same period.

43. *Resolved* — That a sum not exceeding one hundred and twelve pounds, ten shillings, sterling, be granted to Her Majesty, to defray the salary of the Adjutant General of Militia, in that part of this Province heretofore *Lower Canada*, from the 1st *October* to the 31st *December* 1841.

44th Resolution :  
£67 10s. st'g, Deputy  
Adj't Gen. L. C.

45th Resolution :  
£31 1s. st'g, First  
Clerk, Adj't Gen'l's  
Office, L. C.

46th Resolution :  
£20 1s. st'g, Second  
Clerk, Adj't Gen'l's  
Office, L. C.

47th Resolution :  
£50, st'g, Conting-  
encies of same Office.

48th Resolution :  
£90 st'g, 2 Provincial  
Aides-de-Camp.

49th Resolution :  
£12 10s. st'g, Transla-  
ting pub. documents.

50th Resolution :  
£250, st'g, Repairs of  
public Buildings.

51st Resolution :  
£12 10s. st'g, Sur-  
veyor of Highways  
in Gaspé.

52nd Resolution :  
£6 5s. st'g, Inspector  
of Chimneys, Three  
Rivers.

53rd Resolution :  
£37 10s. st'g, 3 Keep-  
ers of Dépôts of Pro-  
visions.

54th Resolution :  
£500, st'g, unforeseen  
Expenses, pub. Ser-  
vice.

55th Resolution :  
£63 10s. st'g, Mon-  
treal Grammar  
School.

56th Resolution :  
£25, st'g, Secretary  
R. In. for advance-  
ment of Learning.

57th Resolution :  
£9 st'g, to do for  
Clerk &c.

58th Resolution :  
£6 5s. st'g to do, for  
a Messenger.

59th Resolution :  
£119 10s. 7d. st'g, for  
moving Library to  
Kingston.

44. *Resolved* — That a sum not exceeding sixty seven pounds, ten shillings, sterling, be granted to Her Majesty, to defray the salary of the deputy Adjutant General of Militia in ditto, for the same period.

45. *Resolved* — That a sum not exceeding thirty one pounds, one shilling, sterling, be granted to Her Majesty, to defray the salary of the first Clerk in the Office of the Adjutant General of Militia, in ditto, for the same period.

46. *Resolved* — That a sum not exceeding twenty pounds, fourteen shillings, sterling, be granted to Her Majesty, to defray the salary of the second Clerk in the Office of the Adjutant General of Militia, in ditto, for the same period.

47. *Resolved* — That a sum not exceeding fifty pounds, sterling, be granted to Her Majesty, to defray the contingent expenses of Printing, Stationery, Postages, and Messenger, for the Office of the Adjutant General of Militia, in ditto, for the same period.

48. *Resolved* — That a sum not exceeding ninety pounds, sterling, be granted to Her Majesty, to defray the salaries of two Provincial Aides-de-Camps, for the same period.

49. *Resolved* — That a sum not exceeding twelve pounds, ten shillings, sterling, be granted to Her Majesty, to defray the expense of translating public documents into the *French* Language, for the same period.

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50. *Resolved* — That a sum not exceeding two hundred and fifty pounds, sterling, be granted to Her Majesty to defray the ordinary repairs, alterations, and care of Public Buildings, for the same period.

51. *Resolved* — That a sum not exceeding twelve pounds, ten shillings, sterling, be granted to Her Majesty, to defray the salary of the Surveyor of High-Ways and Streets in the District of *Gaspé*, for the same period.

52. *Resolved* — That a sum not exceeding six pounds, five shillings, sterling, be granted to Her Majesty, to defray the salary of the Inspector of Chimneys at *Three Rivers*, for the same period.

53. *Resolved* — That a sum not exceeding thirty seven pounds, ten shillings, sterling, be granted to Her Majesty, to defray the salaries of Three Keepers of Dépôts of Provisions on the *St. Lawrence*, with a view to the relief of Shipwrecked persons, for the same period.

54. *Resolved* — That a sum not exceeding five hundred pounds sterling be granted to Her Majesty, to defray unforeseen and indispensable expenses in the various branches of the Public Service, for the same period.

55. *Resolved* — That a sum not exceeding sixty three pounds, ten shillings, sterling, be granted to Her Majesty, to defray the salary of the Master of the Grammar School at *Montreal*, and allowance of house rent for the same period.

56. *Resolved* — That a sum not exceeding twenty five pounds, Sterling, be granted to Her Majesty, to defray the salary of the secretary of the Royal Institution for the advancement of Learning, for the same period.

57. *Resolved* — That a sum not exceeding nine pounds, sterling, be granted to Her Majesty, to defray the allowance to the Secretary of the Royal Institution for the advancement of Learning, for a Clerk and contingences, for the same period.

58. *Resolved* — That a sum not exceeding six pounds, five shillings, sterling, be granted to Her Majesty, to defray the allowance to the Secretary of the Royal Institution for the advancement of Learning, for a Messenger, for the same period.

59. *Resolved* — That a sum not exceeding one hundred and nineteen pounds, ten shillings, and seven pence, sterling, be granted to Her Majesty, to defray the expenses in packing, carting, &c. of the Library of the House of Assembly at *Quebec*, to be transported *Kingston*, and Insurance thereon.<sup>2</sup>



60th Resolution :  
£22 10s. st'g Deputy  
Collector at Philips-  
burg.

61st Resolution :  
£5 12s. 6d. st'g, to  
do. for rent of Cus-  
tom House.

62nd Resolution :  
£9 st'g, Land-waiter  
at Philipsburg.

63rd Resolution :  
£45, st'g, Clerk to  
Coll'r at St. John's.

64th Resolution :  
£430, st'g, Support of  
Insane, &c. at Que-  
bec.

65th Resolution :  
£287 10s. st'g, do. at  
Montreal.

66th Resolution :  
£170, st'g, do. at  
Three Rivers.

67th Resolution :  
£225, st'g, Montreal  
Hospital.

68th Resolution :  
£22 10s. st'g, Que-  
bec Female Orphan  
Asylum.

69th Resolution :  
£22 10s. st'g, Mon-  
treal Protestant  
Orphan Asylum.

70th Resolution :  
£22 10s. st'g, Mon-  
treal Ladies Benv.  
Society.

71st Resolution :  
£22 10s. st'g, Que-  
bec R.C. Orphan  
Asylum.

72nd Resolution :  
£22 10s. st'g, Male  
Orphan Asylum at  
Quebec.

73rd Resolution :  
£22 10s. st'g, R. C.  
Orphan Asylum at  
Montreal.

74th Resolution :  
£270, st'g, Montreal  
Lunatic Asylum.

75th Resolution :  
£695, st'g, Schools in  
L. C.

76th Resolution :  
£1,800, st'g, Printing  
Ordinances of Special  
Council.

60. *Resolved* — That a sum not exceeding twenty-two pounds, ten shillings, sterling, be granted to Her Majesty, to defray the salary of the Deputy Collector at the Port of *Philipsburg*, dependent on the Port of *St. John's*, for the same period.

61. *Resolved* — That a sum not exceeding five pounds, twelve shillings, and six pence, sterling, be granted to Her Majesty to defray the allowance to the Deputy Collector of the Port of *Philipsburg*, for rent of a Custom House, for the same period.

62. *Resolved* — That a sum not exceeding nine pounds, sterling, be granted to Her Majesty to defray the salary of a Land waiter at the Port of *Philipsburg*, for the same period.

63. *Resolved* — That a sum not exceeding forty-five pounds, sterling, be granted to Her Majesty, to defray the salary of an Assistant or Clerk to the Collector at *St. John's*, for the same period.

64. *Resolved* — That a sum not exceeding four hundred and thirty pounds sterling, be granted to Her Majesty, for the relief of insane persons, and the support of foundlings, and indigent sick persons, in the District of *Quebec*, for the same period.

65. *Resolved* — That a sum not exceeding two hundred and eighty-seven pounds, ten shillings, sterling, be granted to Her Majesty, for the relief of insane persons, and the support of foundlings, and indigent sick persons, in the District of *Montreal*, for the same period.

(559)

66. *Resolved* — That a sum not exceeding one hundred and seventy pounds, sterling, be granted to Her Majesty for the relief of insane persons and the support of foundlings, and indigent sick persons, in the District of *Three Rivers*, for the same period.

67. *Resolved* — That a sum not exceeding two hundred and twenty-five pounds, sterling be granted to Her Majesty, towards defraying the current expenses of the Corporation of the General Hospital of *Montreal*, for the same period.

68. *Resolved* — That a sum not exceeding twenty-two pounds, ten shillings, sterling, be granted to Her Majesty, for the Female Orphan Asylum at *Quebec*, for the same period.

69. *Resolved* — That a sum not exceeding twenty-two pounds, ten shillings, sterling, be granted to Her Majesty, for the *Montreal Protestant* Orphan Asylum, for the same period.

70. *Resolved* — That a sum not exceeding twenty-two pounds, ten shillings, sterling, be granted to Her Majesty, for the Ladies' Benevolent Society at *Montreal*, for Widows and Orphans, for the same period.

71. *Resolved* — That a sum not exceeding twenty-two pounds, ten shillings, sterling, be granted to Her Majesty, for the *Roman Catholic* Orphan Asylum, at *Quebec*, for the same period.

72. *Resolved* — That a sum not exceeding twenty-two pounds, ten shillings, sterling, be granted to Her Majesty, for the Male Orphan Asylum at *Quebec*, for the same period.

73. *Resolved* — That a sum not exceeding twenty-two pounds, ten shillings, sterling, be granted to Her Majesty, for the *Roman Catholic* Orphan Asylum at *Montreal*, for the same period.

74. *Resolved* — That a sum not exceeding two hundred and seventy pounds, sterling, be granted to Her Majesty, towards the support of the Lunatic Asylum at *Montreal*.

75. *Resolved* — That a sum not exceeding six hundred and ninety-five pounds, sterling, be granted to Her Majesty, towards the support of divers Scholastic Institutions for the encouragement of education throughout the heretofore Province of *Lower Canada*, for the same period, being the same Institutions as provided for up to the 1st *October*, 1841.

76. *Resolved* — That a sum not exceeding one thousand eight hundred pounds, sterling, be granted to Her Majesty, towards defraying the expenses of printing the Ordinances of the last Session of the Special Council, and contingent expenses thereof.

77th Resolution :  
£2000, st'g, Interest  
on Loans for Mon-  
treal and Quebec  
Roads.

78th Resolution :  
£22 10s. st'g, Keep-  
er of Parliament  
Building, Quebec.

79th Resolution :  
£2,289 4s. 8d. st'g,  
to repay advance for  
forwarding Emigrants,  
in 1840.

80th Resolution :  
£3,500, st'g, for for-  
warding do. in 1841.

81st Resolution :  
£1,500, st'g, Geologi-  
cal Survey.

77. *Resolved* — That a sum not exceeding two thousand pounds, sterling, be granted to Her Majesty, to cover any deficiency there may be on the Tolls, to pay the Interest on the several Loans for Roads, in the District of *Montreal* and *Quebec*.

78. *Resolved* — That a sum not exceeding twenty two pounds, ten shillings, sterling, be granted to Her Majesty to defray the salary of the keeper of the building for the Legislature at *Quebec*, from the 1st *October* to the 31st *December*, 1841.

79. *Resolved* — That a sum not exceeding two thousand, two hundred and eighty nine pounds, four shillings and eight pence, sterling, be granted to Her Majesty, to repay a like sum advanced from the Military Chest, for defraying expenses incurred in forwarding Emigrants to their destination, after their arrival in the Province of *Lower Canada*, in the year 1840.

80. *Resolved* — That a sum not exceeding three thousand five hundred pounds, sterling, be granted to Her Majesty to defray the probable amount of expenses to be incurred in forwarding Emigrants to their destination after their arrival in the Province, in the year 1841.

81. *Resolved* — That a sum not exceeding one thousand five hundred pounds, sterling, be granted to Her Majesty to defray the probable expense in causing a Geological Survey of the Province to be made.

(560)

82nd Resolution :  
£800, cy. C. C.  
Chancery Fees on  
Election Writs.

82. *Resolved* — That a sum not exceeding eight hundred pounds, currency, be granted to Her Majesty to pay the Clerk of the Crown in Chancery's fees on writs of elections, and expenses of their transmission.

83rd Resolution :  
£62 1s. 8d. st'g, for-  
warding Writs of  
Election.

83. *Resolved* — That a sum not exceeding sixty two pounds, one shilling and eight pence, sterling, be granted to Her Majesty to defray the expenses in forwarding writs of election by express for the same period.

Question of  
concurrence put.

*Ordered* — That the question of concurrence be now separately put upon the said Resolutions.

1st to 28th Resolution  
agreed to.

And the first to the twenty eighth of the said Resolutions, inclusively, being again severally read, and the question of concurrence being separately put upon each, they were agreed to by the House.

29th Resolution put,  
(£200, cas & extra.  
expenses, U. C.)

The twenty ninth of the said Resolutions being again read, and the question of concurrence being put thereon, a division ensued, and the names being called for, they were taken down as followeth : —

#### YEAS.

<i>Buchanan,</i>	<i>Gilchrist,</i>	<i>Parke,</i>	<i>Small,</i>
<i>Cameron,</i>	<i>Harrison, Hon. S.B.</i>	<i>Powell,</i>	<i>Smith, (Went.)</i>
<i>Chesley,</i>	<i>Hincks,</i>	<i>Quesnel,</i>	<i>Steele,</i>
<i>Day, Hon. C.D.</i>	<i>Holmes,</i>	<i>Raymond,</i>	<i>Thompson,</i>
<i>Dunscomb,</i>	<i>Morris,</i>	<i>Robertson,</i>	<i>Watts,</i>
<i>Foster,</i>	<i>Ogden, Hon. C.R.</i>	<i>Roblin,</i>	<i>Williams. — 24.</i>

#### NOES.

<i>Aylwin,</i>	<i>Christie,</i>	<i>Merritt,</i>	<i>Price,</i>
<i>Baldwin,</i>	<i>Cook,</i>	<i>Morin,</i>	<i>Smith, (Fron.)</i>
<i>Burnet,</i>	<i>Johnston,</i>	<i>Neilson,</i>	<i>Viger, Hon. D.B.</i>
			(12).

Carried.

So it was carried in the Affirmative.

30th to 41st Resolu-  
tions agreed to.

The thirtieth to the forty first of the said Resolutions, inclusively, being again severally read, and the question of concurrence being separately put upon each, they were agreed to by the House.

42nd Resolution put,  
(£300, cas & extra.  
expenses in U. C.)

The forty second of the said Resolutions being again read, and the question of concurrence being put thereon, a division ensued, and the names being called for, they were taken down as followeth : —

## YEAS.

<i>Buchanan,</i>	<i>Gilchrist,</i>	<i>Parke,</i>	<i>Small,</i>
<i>Cameron,</i>	<i>Harrison, Hon. S.B.</i>	<i>Powell,</i>	<i>Smith, (Went.)</i>
<i>Chesley,</i>	<i>Hincks,</i>	<i>Quesnel,</i>	<i>Steele,</i>
<i>Day, Hon. C.D.</i>	<i>Holmes,</i>	<i>Raymond,</i>	<i>Thompson,</i>
<i>Dunscorn,</i>	<i>Morris,</i>	<i>Robertson,</i>	<i>Watts,</i>
<i>Foster,</i>	<i>Ogden, Hon. C.R.</i>	<i>Roblin,</i>	<i>Williams. — 24.</i>

## NOES.

<i>Aylwin,</i>	<i>Christie,</i>	<i>Merritt,</i>	<i>Price,</i>
<i>Baldwin,</i>	<i>Cook,</i>	<i>Morin,</i>	<i>Smith, (Fron.)</i>
<i>Burnet,</i>	<i>Johnston,</i>	<i>Neilson,</i>	<i>Viger, Hon. D.B.</i>
			(12).

Carried.

43rd to 53rd. Resolution agreed to.

So it was carried in the Affirmative.

The forty third to the fifty third of the said Resolutions, inclusively, being again severally read, and the question of concurrence being separately put upon each, they were agreed to by the House.

(561)

54th Resolution put (£500, unforeseen expenses, public service.)

The fifty fourth of the said Resolutions being again read, and the question of concurrence being put thereon, a division ensued, and the names being called for they were taken down as followeth : —

## YEAS.

<i>Buchanan,</i>	<i>Dunlop,</i>	<i>McNab, Sir A.N.</i>	<i>Quesnel,</i>
<i>Cameron,</i>	<i>Foster,</i>	<i>Morris,</i>	<i>Raymond,</i>
<i>Chesley,</i>	<i>Gilchrist,</i>	<i>Ogden, Hon. C.R.</i>	<i>Robertson,</i>
<i>Daly, Hon. D.</i>	<i>Harrison, Hon. S.B.</i>	<i>Parke,</i>	<i>Steele,</i>
<i>Day, Hon. C.D.</i>	<i>Hincks,</i>	<i>Powell,</i>	<i>Watts. — 22.</i>
<i>De Salaberry,</i>	<i>Holmes,</i>		

## NOES.

<i>Aylwin,</i>	<i>Cook,</i>	<i>Price,</i>	<i>Smith, (Went.)</i>
<i>Baldwin,</i>	<i>Johnston,</i>	<i>Roblin,</i>	<i>Thompson,</i>
<i>Burnet,</i>	<i>McDonald, (Pres.)</i>	<i>Small,</i>	<i>Viger, Hon. D.B.</i>
<i>Child,</i>	<i>Merritt,</i>	<i>Smith, (Front.)</i>	<i>Williams. — 18.</i>
<i>Christie,</i>	<i>Neilson,</i>		

Carried.

55th to 58th Resolutions agreed to.

So it was carried in the Affirmative.

The fifty fifth to the fifty eight of the said Resolutions, inclusively, being again severally read, and the question of concurrence being separately put upon each, they were agreed to by the House.

59th Resolution put, (£119 10 7, sterling moving Library from Quebec.)

The fifty ninth of the said Resolutions being again read, and the question of concurrence being put thereon, a division ensued, and the names being called for, they were taken down as followeth : —

## YEAS.

<i>Baldwin,</i>	<i>De Salaberry,</i>	<i>Merritt,</i>	<i>Roblin,</i>
<i>Burnet,</i>	<i>Dunscorn,</i>	<i>Morris,</i>	<i>Small,</i>
<i>Cameron,</i>	<i>Foster,</i>	<i>Ogden, Hon. C.R.</i>	<i>Smith, (Fron.)</i>
<i>Chesley,</i>	<i>Gilchrist,</i>	<i>Parke,</i>	<i>Smith, (Went.)</i>
<i>Child,</i>	<i>Harrison, Hon. S.B.</i>	<i>Powell,</i>	<i>Steele,</i>
<i>Christie,</i>	<i>Holmes,</i>	<i>Price,</i>	<i>Thompson,</i>
<i>Cook,</i>	<i>Johnston,</i>	<i>Quesnel,</i>	<i>Viger, Hon. D.B.</i>
<i>Daly, Hon. D.</i>	<i>McNab, Sir A.N.</i>	<i>Raymond,</i>	<i>Watts,</i>
<i>Day, Hon. C.D.</i>	<i>McDonald, (Pres.)</i>	<i>Robertson,</i>	<i>Williams. — 39.</i>

## NOES.

*Aylwin,* *Neilson. — 2.*

Carried.

60th to 76th Resolutions agreed to.

So it was carried in the Affirmative.

The sixtieth to the seventy sixth of the said Resolutions, inclusively, being again severally read, and the question of concurrence being separately put upon each, they were agreed to by the House.



77th Resolution  
agreed to.

78th & 79th Resolu-  
tions agreed to.

Remaining Resolu-  
tions agreed to.

The seventy seventh of the said Resolutions being again read, and the question of concurrence being put thereon, a division ensued, and it was carried in the Affirmative.

The seventy eighth and seventy ninth of the said Resolutions being again severally read, and the question of concurrence being separately put upon each, they were agreed to by the House.

The eightieth to the eighty third and last of the said Resolutions being again severally read, and the question of concurrence being separately put thereon, a division ensued upon each, and they were carried in the affirmative, and —

*Resolved* — That this House doth concur with the Committee in the said Resolutions.<sup>3</sup>

(562)

Supply Bill  
brought in.

*Ordered* — That the Honourable Mr. *Harrison* have leave to bring in a Bill to grant certain sums, therein mentioned, to Her Majesty, towards defraying the expenditure of the Civil Government, for the year ending on the 31st day of *December*, 1841.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time at the next sitting of the House.

Report of Commis-  
sioner on Lunatic  
Asylum at Toronto  
laid before the House.

The Honourable *S. B. Harrison*, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General, the Report of the Honourable the Vice Chancellor, one of the Commissioners appointed for the temporary Asylum for Lunatics at *Toronto*, with the relative documents.

For the said Report, see Appendix (L. L.)

And, also,

Also Report on  
Owen's Sound  
Settlement.

The Report of *William Chisholm*, Esquire, and Mr. *McDonald*, Surveyor, upon the *Owen's Sound* Settlement, with the observations of the Honourable *R. B. Sullivan*, upon the said Report.

For the said Report, see Appendix (M. M.)

Message from  
His Excellency.

The Honourable *S. B. Harrison*, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency, the Governor General, signed by His Excellency,

And the said Message was read by the Speaker, all the members of the House being uncovered, and is as followeth :—

SYDENHAM,

Message recomen-  
ding payment of  
Members of  
Assembly.

In reply to their Address of the 26th *July*, the Governor General acquaints the House of Assembly, that he will have much pleasure in affording the recommendation of the Crown for a provision to be made by Law for the Sessional payment of members, and for their travelling expenses; and His Excellency has directed a measure to be prepared for that purpose, and submitted to the consideration of the House.

Government House, 10th September, 1841.

Hear, hear, hear !<sup>4</sup>

It was proposed to go, immediately, into a Committee of the whole, to settle the details....<sup>5</sup>

**Sir Allan MacNab** thought it would have a better appearance to delay, at least, a day before they did so....<sup>6</sup>

(562)

On Motion of the Honourable Mr. *Harrison*, seconded by Mr. Solicitor General *Day*,

House to go into  
Committee to-morrow,  
on above Message.

150 copies of Report  
on Lunatic Asylum,  
and Report on  
Owen's Sound  
Settlement, to be  
printed.

Bill to tax imported  
produce read 2nd  
time.

Bill to amend  
mac'd roads regula-  
tion Act of U. C.  
read 2nd time.

2nd clause of Bill  
expunged.  
Bill to be engrossed.

Bill to alter  
W. Gwillimbury Road  
read 2nd time.

Bill to be engrossed.

House in Com. on  
Bank note duty Bill.

*Resolved* — That this House will, on to-morrow, resolve itself into a Committee of the whole House, on the message of His Excellency, the Governor General, recommending provision to be made for the payment of remuneration to Members of the Legislative Assembly.

*Ordered* — That 150 copies of the Report of the Honourable the Vice Chancellor, one of the Commissioners appointed for the Temporary Asylum of Lunatics at *Toronto*; and of the Report of *William Chisholm*, Esquire, and Mr. *McDonald*, Surveyor, upon *Owen's Sound* settlement, with the observations of the Honourable *R. B. Sullivan*, upon the said Report, be printed for the use of the Members of this House.

A Bill for the imposing duties on Agricultural and other produce, and stock, imported into this Country from the *United States of America*, was, according to order, read a second time.

*Ordered* — That the said Bill be referred to a Committee of the whole House to-morrow.

A Bill to explain and amend an Act of the Legislature of *Upper Canada*, relative to District Turnpike Trusts, was, according to order, read a second time.

(563)

On motion of Mr. *Price*, seconded by Mr. *Baldwin*.

*Ordered* — That the second clause of the said Bill be struck out.

*Ordered* — That the said Bill, as amended, be engrossed.

A Bill to authorise a certain change in the place of a Turnpike Road, in the Township of *West Gwillimbury*, was, according to order, read a second time.

*Ordered* — That the said Bill be engrossed.

The Order of the day for the House in Committee on the Bill for levying a certain rate or duty on Bank notes, issued and in circulation in this Province, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Thorburn*, took the chair of the Committee,

Mr. *Merritt* submitted an amendment to one of the clauses, to the effect, that when the tolls or duties to be raised by the public works which the house had sanctioned, realized a sufficient sum to pay off the debt, contracted the present session, such tools or duties should cease. — <sup>7</sup>

Mr. *Parke* ((observed))... that if we meant to borrow on our consolidated revenue, it was absolutely necessary that it should be clear and unencumbered, otherwise all attempts to succeed in contracting the proposed loan in the money market would be futile, British capitalists having too much discrimination not to distinguish between a revenue that was secured, and one that was based on speculation. In his opinion, if the bill was embarrassed by clauses or amendments of this nature, it would be useless to pass it, for there would be little probability by this means, of obtaining the loan that was anticipated.<sup>8</sup>

Mr. *Buchanan* said the amendment involved two principles equally fatal, one of not paying the existing debt, another of defeating the plan *in toto*.<sup>9</sup>

Mr. *Harrison* remarked, that the whole of our surplus revenue 40,000 being appropriated to common schools, and our only reliance now being upon the ways and means we could devise, such an amendment, if it prevailed, would defeat the object upon which so much time had been spent hitherto, apparently with every hope of success. Why such a course was now to be adopted creating a distinction in the public securities, he was totally at a loss to discover.<sup>10</sup>

Mr. *Neilson* supported the amendment, which he said intended only to provide, that when the debt, which we were about to incur, was liquidated, the tolls were to be abolished. His desire was that taxes of this kind should be limited, not perpetual. With respect to British capitalists being deterred from entering into contract with us, on this account, he thought they had gained too much experience from their dealings with our neighbours, the Yankees,

not to be able to distinguish between that which held out a security to them for money loaned, and that which was founded merely upon probability.<sup>11</sup>

**Mr. Merritt** contended that his amendment would have quite a contrary effect, to that which had been imputed to it, by those who were of Mr. Harrison's opinion. The Erie Canal, he said, had paid off the principal in ten years, and our debentures would be at a premium, if a judicious system was adopted.<sup>12</sup>

**Mr. Dunn** expressed his dissent from the hon. member for North Lincoln, affirming that such would be the embarrassment occasioned, if he succeeded in his views — that all the time and trouble that had been expended in maturing the present scheme would be completely thrown away.<sup>13</sup>

**Mr. Hincks** said that the member for North Lincoln might find a precedent for his arguments in America, but none of a similar nature in Great Britain.<sup>14</sup>

**Mr. Cartwright** was of opinion that it was not advisable to reduce our credit lower than it was, advices specifying, that our debentures in August were at 20 per cent discount.<sup>15</sup>

Upon a division the amendment was negated.<sup>16</sup>

The clauses were then severally disposed of....<sup>17</sup>

(563)

and after some time spent therein,

Mr. Speaker resumed the chair,

Bill reported  
amended.

And Mr. *Thorburn*, reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

House in Com. on  
Distilleries duty Bill.

The Order of the day for the House in Committee on the Bill to impose a duty upon Distilleries in that part of the Province heretofore *Lower Canada*, being read.

The House accordingly resolved itself into the said Committee.

Mr. *De Salaberry*, took the chair of the Committee,<sup>18</sup>

**Mr. Dunscomb**, whose observations appeared to have relation to foreign spirits, was desirous of having the duty fixed at 2s. 6d. per gallon.<sup>19</sup>

**Mr. Harrison** replied, that as the object was to raise revenue, of course if the article would admit of it, he could have no objection to fixing the sum at 2s. 6d., but as he was of a different opinion, he thought that 1s. 6d. per gallon would be quite high enough.<sup>20</sup>

**Mr. Hincks** would rather that it should be 1d. or 2d. per gallon upon all manufactured spirits, in preference to 1s. 6d. for the same quantity, in the ratio of what the stills were capable of containing. Notwithstanding the difficulty of getting a correct account, he was of opinion that this would be the better plan.<sup>21</sup>

**Mr. Johnston** affirmed that the proposed rate would not increase the price to the consumer above one farthing per glass, yielding at the same time a valuable addition to the revenue, by means of a tax that was perfectly consistent.<sup>22</sup>

**Mr. Holmes** was so impressed with the demoralization that ensued from excessive drinking, that if it would admit of it, he would much rather that the duty should be doubled, than that it should be fixed so low as 1s. 6d.<sup>23</sup>

**Mr. Cameron** said, that although all were agreed in the propriety of assimilating the duty in both sections of the province, such was the misery that was visible in the neighbourhood of distilleries, that he would willingly vote that they should be taxed in the highest amount possible.<sup>24</sup>

The bill then passed through committee, the blanks being filled up as follows: the duty 1s. 6d. per gallon, according to the quantity that the respective stills or vessels shall be able



to contain. — The act to be in force from the 1st of January next — £10 penalty for obstructing the district inspector in the discharge of his duty — £20 for working a still without a license, and £10 for refusing to give evidence before a justice of the peace for an evasion of the act. The inspector to be remunerated by deducting 5 per cent, out of his receipts on all small sums collected.<sup>25</sup>

(563)

and after some time spent therein,

Bill reported  
amended.

Mr. Speaker resumed the chair,

And Mr. *De Salaberry*, reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

House in Com. on  
Loan Bill.

The Order of the day for the House in Committee on the Bill to facilitate the negotiation of a loan in *England*, and for other purposes therein mentioned, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Gilchrist*, took the chair of the Committee.

**Mr. Draper**, considering that the bill had been already sufficiently discussed, submitted it to the committee on its own merits. It was accordingly disposed of in a short time — the blanks relative to the sum to be raised, being filled up with £1,500,000.<sup>26</sup>

(563)

and after some time spent therein,

Bill reported  
amended.

Mr. Speaker resumed the chair,

And Mr. *Gilchrist*, reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

House in Com. on  
Auction duty Bill.

The Order of the day for the House in Committee on the Bill to make certain alterations in the Laws relative to duty upon sales of property by Auction, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Watts* took the chair of the Committee.<sup>27</sup>

**Mr. Holmes** remarked, that in the city of Montreal, a tax upon auction sales already existed, to the amount of 2 per cent, imposed by the corporation ; which, with the duty now proposed, would have the effect of preventing any sales at all, unless the ordinance was repealed.<sup>28</sup>

In this he ((Mr. Holmes)) was supported by **Mr. Dunscomb**.<sup>29</sup>

**Mr. Harrison** was of opinion that it was the merchant who had a right to complain, who paid the tax, and not the inhabitants of Montreal ; the amount levied there by this means hitherto, having been expended on local improvements. He considered it only just that as a revenue was now to be derived from this source, that Montreal should equally contribute to it, as well as every other part of the province.<sup>30</sup>

**Mr. Day** said, with respect to the house interfering with the powers now exercised by the corporation, he was not exactly prepared to give an answer, — works of a public nature having been undertaken on the faith of the existence and continuance of such authority ; he thought, however, that under the provisions of this act, it could only be considered as an application of funds for local purposes that ought to be thrown into the general revenue.<sup>31</sup>

**Mr. Quesnel** observed, that up to this period there had been no proper method of enforcing the duty, otherwise than having a bailiff to follow the purchaser, and in this uncertain way obtain a something in the way of a tax.<sup>32</sup>

**Mr. Harrison** was of opinion, that taking all circum(s)tances into consideration, the only course for the house to adopt was, to carry this bill into effect; and then sufficient cause would exist, to repeal the ordinance next session, it being left to the corporation to find out some other means of supplying the place of this duty.<sup>23</sup>

(563)

and after some time spent therein,

**Mr. Speaker** resumed the chair,

Bill reported  
amended.

And **Mr. Watts**, reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

(564)

House in Com. on  
Bill to regulate  
Customs Duties.

The Order of the day for the House in Committee on the Bill to repeal certain Acts therein mentioned, and to consolidate the Laws relating to the Provincial duties to be levied on Goods, Wares, and Merchandize, imported into this Province, being read,

The House accordingly resolved itself into the said Committee.

**Mr. Quesnel**, took the chair of the Committee, and after some time spent therein,

**Mr. Speaker** resumed the chair,

Progress reported.

And **Mr. Quesnel**, reported that the Committee had made some progress, and had directed him to move for leave to sit again.

*Ordered* — That the said Committee have leave to sit again to-morrow.

Commission of late  
Collector of Customs  
at Coteau du Lac laid  
before the House.

The Honourable **Mr. D. Daly**, presented, pursuant to an address of the House of Assembly of the 4th instant, a return with a copy of the commission of the immediate predecessor in the Office of Collector of Customs at *Coteau du Lac*, of the present incumbent, and the date of the resignation of the said immediate predecessor.

Province of  
Lower Canada.

} Signed AYLMEER.

**WILLIAM** the Fourth, by the Grace of GOD, of the United Kingdom of *Great Britain* and *Ireland* King, Defender of the Faith.

To all to whom these presents shall come, or whom the same may concern,

GREETING :

Commission appoint-  
ing John Simpson  
Collector of Customs  
at Coteau du Lac.

Know ye, that reposing trust and confidence in the Loyalty, integrity, and prudence, of Our beloved and faithful *John Simpson*, of *Coteau du Lac*, in Our District of *Montreal*, Esq., We, of Our especial grace, certain knowledge and mere motion, have constituted, and appointed, and by these presents do constitute and appoint, the said *John Simpson* to be Collector of Our Customs at the Port of *Coteau du Lac*, in Our said District of *Montreal*, in Our Province of *Lower Canada*, with full power and authority to do and perform all such acts, matters, and things, as may be necessary, and may belong to the said Office to be done, for the securing, levying, collecting, and receiving, of all and every the duties, imposts, and revenue of customs, due and to grow due, to be levied and become payable to Us, Our Heirs and Successors, and to be collected and received at the said Port of *Coteau du Lac*; — To have, hold, exercise, and enjoy the said office of Collector of Our Customs as aforesaid, with all and every the powers, authority, salary, fees, rights, profits, and advantages, to the said office appertaining, and which of right ought to appertain to the same, unto him, the said *John Simpson*, for and during Our Royal pleasure, and the residence of the said *John Simpson* within Our said District of *Montreal*.

In testimony whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Our said Province of *Lower Canada* to be hereunto affixed.

Witness, Our Trusty and well beloved *Matthew Lord Aylmer*, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant General and Commander of all Our forces in the Provinces of *Lower Canada* and *Upper Canada*, &c., &c., and administrator of the Government of Our said Province of *Lower Canada*.

At Our Castle of *Saint Lewis*, in Our City of *Quebec*, in Our said Province, the *eleventh* day of *December*, in the year of Our Lord one thousand eight hundred and thirty, and in the first year of Our reign.

(Signed) D. DALY,  
Secretary.

(565)

OFFICE OF THE REGISTRAR OF THE PROVINCE OF CANADA,  
*Kingston, 9th September, 1841.*

I do certify that the foregoing is a correct and true copy of the Record of the Commission appointing *John Simpson*, Esq., Collector at the Port of *Coteau du Lac*, which Commission is recorded in the Twelfth Register of Letters Patent and Commissions, Folio 173.

R. A. TUCKER,  
Registrar.

(Date of Collector's  
resignation.)

Date of the Resignation of Office of the said late Collector at *Coteau du Lac* : — "4th March, 1841."

At 5 o'clock, Mr. Speaker declared the House adjourned until 7 o'clock, P. M.

Supply Bill read  
2nd time.

A Bill to grant certain sums, therein mentioned, to Her Majesty, towards defraying the expenditure of the Civil Government, for the year ending on the 31st day of *December*, 1841, was, according to order, read a second time.

Bill to be engrossed.

*Ordered* — That the said Bill be engrossed.

House in Com. on  
Commercial Bank  
stock increase Bill, &  
final report on Cur-  
rency and Banking.

The Order of the day for the House in Committee on the Bill to increase the Capital Stock of the Commercial Bank of the *Midland* District, and on the final report of the Select Committee on Currency and Banking, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Burnet* took the chair of the Committee.<sup>34</sup>

**Sir Allan MacNab** strongly opposed it.<sup>35</sup>

**Mr. Thorburn** said it would never do — and several other Members also condemned it....<sup>36</sup>

**Mr. Hincks** became its champion — it was a plan adopted invariably in the Old Country — and it was in vain to expect that a respectable individual would be found to give up all his other avocations, and disengage himself from business — which he most certainly ought to do, even to become a President of a Bank for one year.<sup>37</sup>

**Mr. Merritt** considered the proposition an innovation.<sup>38</sup>

**Mr. Williams** thought it would amount to the prevention of the Stockholders having a voice in the election of their President.<sup>39</sup>

**Mr. Dunscomb** strongly and ably advocated the measure, and insisted on it, that it was not an innovation, but that, on the contrary, it would be a very great improvement.<sup>40</sup>

**Mr. Cartwright** moved for the re-consideration of the suspension clause.<sup>41</sup>



After some discussion it was admitted with a limitation, and in a modified sense.<sup>42</sup>

**Mr. Holmes** condemned the interference of the Home Government with the local affairs of the Colony, and said they knew nothing of the wants and wishes of the people in regard to Banks, and were incapable of judging correctly — there was no analogy between England and Canada — what was good there was pernicious here.<sup>43</sup>

**Mr. Merritt** was also averse to such restrictions and interference. He pronounced them as disgraceful, uncalled for, and calculated to do great injury, but he supposed we must submit.<sup>44</sup>

**Mr. Johnston** introduced as an amendment to the Bank Act, that no protests should be made by a notary, and that the Banks should not be allowed to make any charges for protesting of bills, but collect their debts like other people.<sup>45</sup>

The learned Attorney General west (**Mr. Draper**) entered into a long argument on the law...<sup>46</sup>

Finally Mr. Johnston's amendment was withdrawn.<sup>47</sup>

**Mr. Hincks** then moved that a clause should be introduced, providing for further limitation with right of issuing bank notes, and referred to the several original charters granted to the Banks in Lower Canada, in all of which it was provided that in the event of a Provincial Bank being established, the several corporations should cease to issue Bank Notes.<sup>48</sup>

*"And be it &c, That each and every office of Discount and Deposit established, or hereafter to be established by the said corporation and under the management or direction of a local Board of Directors, should be considered and held to be a branch Bank and subject to the instructions as to the issuing and redemption of notes provided in this Act."*

...

*"And be it &c, That nothing herein contained shall be taken or construed to prevent the Legislature of this Province at any time hereafter from making such provisions as to the issuing of notes or the amount or description of notes which may be issued, or as to any other provisions or restrictions respecting the transactions of business by the said Bank, as may from time to time be deemed necessary or proper to be applied generally to other Banks in this Province."*<sup>49</sup>

A warm discussion took place on this amendment, which was carried, its insertion will consequently be made in all the Bank charters.<sup>50</sup>

**Mr. Thompson** recommended that no Bank should be allowed more than £500,000 capital.<sup>51</sup>

**Mr. Simpson** deprecated any such limitation.<sup>52</sup>

**Mr. Hincks** said the Royal Charter of the Bank of British North America gave that institution a million, and the right to increase it, with unlimited power of issuing notes, and was it not ridiculous in members to get up and propose limitations in this House to well conducted local institutions — he was astonished.<sup>53</sup>

**Mr. Black, Mr. Dunscomb, and Mr. Cameron** took part in the discussion.<sup>54</sup>

(565)

and after some time spent therein,

Mr. Speaker resumed the chair,

Bill reported  
amended.

And **Mr. Burnet** reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

*Ordered* — That the report be received to-morrow.

House to have an  
evening sitting  
to-morrow.

On motion of **Mr. Merritt**, seconded by **Mr. Buchanan**,

*Ordered* — That when this House doth adjourn to-morrow, at 5 o'clock, it will adjourn until 7 o'clock, P. M.

Remaining orders  
postponed.

On motion of Mr. *Buchanan*, seconded by Mr. *Cartwright*.

*Ordered* — That the Orders of the day that have not been disposed of, be postponed until to-morrow; and that the Committees of the whole House on Banks be the first Orders of the day in the evening sitting.

Then, on motion of Mr. *Small*, seconded by Mr. *Holmes*,  
The House adjourned.

#### Appendix, 10 September 1841.

##### ((Comments Upon Judicature Bill.))

Mr. Attorney General *Ogden* brought up his Court of Judicature Bill.<sup>55</sup>

Mr. *Black* thought that it was now too late in the Session, to give the Bill the necessary consideration which so important a subject demanded.<sup>56</sup>

Mr. *Ogden* admitted it was late — and that the provisions in the Bill were most important, but said that the measure which had been introduced to the Legislature had been so new and producing such changes in our institutions, that till these were determined on, it was impossible to have brought up the present Bill.<sup>57</sup>

Mr. *Black* was exceedingly sorry, at any time, to differ from his learned friend — a circumstance which, indeed, seldom occurred — and he would, on this occasion, yield to his superior judgment.<sup>58</sup>

Footnotes — 10 September 1841.

1. See Appendix entitled ((Comments Upon Judicature Bill.)) These remarks may have referred to this bill, but because this is not clear from the newspaper reports, the exchange has been put into the Appendix instead.

2. The MONTREAL GAZETTE, 13 September 1841, and the KINGSTON CHRONICLE, 11 September 1841, contain this comment on the 59th Resolution: "Several items were objected to by Messrs. Baldwin, Price & Co., who, in all cases, except one, voted with the French party.... Mr. Aylwin and Mr. Neilson insisted on a division of the House, with the yeas and nays — when there were 36 for the payment, and 2 against it — the two being Messrs. Aylwin and Neilson." The BRITISH COLONIST, 15 September 1841, referred to all opposition to the Resolutions as "trifling".

3. The MONTREAL GAZETTE, 13 September 1841, and the KINGSTON CHRONICLE, 11 September 1841, contains this comment on a vote on one of the Resolutions: "On one vote which was given by Mr. Baldwin ((he)) said he wished to be understood, that he voted as he had done, not because he disapproved of the item, but to shew his want of confidence in the Ministry — for which Mr. Harrison bowed, with an accompanying laugh."

4. MONTREAL GAZETTE, 13 September 1841, and KINGSTON CHRONICLE, 11 September 1841.

5. IBID.

6. IBID.

7. BRITISH COLONIST, 15 September 1841.

8. IBID.

9. IBID.

10. IBID.

11. IBID.

12. IBID.

13. IBID.

14. IBID.

15. IBID.

16. IBID.

17. IBID.

18. This debate was reported in: BRITISH COLONIST, 15 September 1841; and in identical reports in MONTREAL GAZETTE, 13 September 1841, and KINGSTON CHRONICLE, 11 September 1841, which noted: "The tax on whiskey excited a very warm and long discussion...."

19. BRITISH COLONIST, 15 September 1841.

20. IBID.

21. IBID.

22. IBID.

23. IBID.

24. IBID.

25. IBID.

26. IBID.

27. This debate was reported by : BRITISH COLONIST, 15 September 1841, and in identical reports in KINGSTON CHRONICLE, 11 September 1841, and MONTREAL GAZETTE, 13 September 1841.
28. BRITISH COLONIST, 15 September 1841.
29. MONTREAL GAZETTE, 13 September 1841.
30. BRITISH COLONIST, 15 September 1841.
31. IBID.
32. IBID.
33. IBID.
34. This debate was reported by : MONTREAL GAZETTE, 13 September 1841 ; KINGSTON CHRONICLE, 11 September 1841 ; identical reports in MONTREAL GAZETTE, 18 September 1841, KINGSTON CHRONICLE, 15 September 1841, and EXAMINER, 22 September 1841, which noted : "The committee got through about half past 10 o'clock at night, and is to sit again. No question debated this session appears beset with more difficulty — every member apparently insisting upon having his own views embodied in the Charters." The BRITISH COLONIST, 15 September 1841, reported only two speeches from this debate.
35. MONTREAL GAZETTE, 13 September 1841.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. KINGSTON CHRONICLE, 15 September 1841.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. EXAMINER, 15 September 1841.
50. KINGSTON CHRONICLE, 15 September 1841.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. MONTREAL GAZETTE, 13 September 1841.
56. IBID.
57. IBID.
58. IBID.



## Saturday, 11 September 1841.

- Petition of W. Tanner brought up. (565)  
The Petition of *William Tanner*, and others, inhabitants of the Townships of *Grimsby*, *Gainsborough*, *Clinton* and *Caistor*, was brought up by Mr. *Powell*, and was laid on the table.
- Timber inspection Bill passed. (566)  
An engrossed Bill to regulate the inspection and measurement of timber, masts, spars, deals, staves, and other articles of a like nature, in the Ports of *Quebec* and *Montreal*, and for other purposes relative to the same, was read for the third time.  
*Resolved* — That the Bill do pass.  
*Ordered* — That Mr. *Cameron* do carry the said Bill to the Legislative Council, and desire their concurrence.
- Supply Bill passed.  
An engrossed Bill to grant certain sums, therein mentioned, to Her Majesty, towards defraying the expenditure of the Civil Government, for the year ending on the 31st *December*, 1841, was read for the third time.  
*Resolved* — That the Bill do pass.  
*Ordered* — That the Honourable Mr. *Harrison* do carry the said Bill to the Legislative Council, and desire their concurrence.
- Bill to alter W. Gwillimbury Road passed.  
An engrossed Bill to authorize a certain change in the place of a Turnpike road in the Township of *West Gwillimbury*, was read for the third time.  
*Resolved* — That the Bill do pass.  
*Ordered* — That Sir *Allan MacNab* do carry the said Bill to the Legislative Council, and desire their concurrence.
- Bill to amend Act regulating mac'd Roads in U. C. read third time.  
An engrossed Bill to explain and amend an Act of the Legislature of *Upper Canada*, relative to District Turnpike Trust, was read for the third time.  
Mr. *Morris* moved, seconded by Mr. *Small*,  
That the following engrossed Clause, marked A, be added to the said Bill by way of *Ryder*, and do make part thereof : —
- Ryder added.

### CLAUSE A.

"And be it enacted, that if in any case where lands shall, before the passing of the Act first above cited, have been taken by the Commissioners or Trustees of any road placed by the said Act under the control of the Commissioners of the District Turnpike Trust, for the purpose of such road, or any other damage shall have been done to any person by such Commissioner or Trustees, in carrying into effect the powers in them vested by Law ; and no compensation shall, before the passing of this Act, have been paid or tendered to the party whose land was so taken, or who sustained such damage as aforesaid — it shall be lawful for the Commissioners of the District Turnpike Trust, to assess and tender such compensation ; and if such compensation shall not be so assessed and tendered within six months after the passing of this Act, or if the party to whom it shall be tendered be not satisfied therewith, the amount of such compensation shall be decided by a Jury of the District at the Court of Quarter Sessions, to be empanelled and sworn for that purpose, at the request of the party entitled to com-

pensation; and if no compensation shall have been offered, and a verdict for compensation shall be given, or if the verdict shall be for a greater sum than that tendered as aforesaid, the Commissioners shall pay the costs of the proceeding, otherwise they shall be paid by the party claiming compensation; and the amount of the compensation assessed, tendered, or awarded, by verdict, under the provisions of this Section, shall and may be paid by the Commissioners of the District Turnpike Trust, out of any monies in their hands, applicable to the purposes of the Act first above cited."

The said Clause being thrice read, and the question being put thereon, it was agreed to by the House.

Bill passed.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Small* do carry the said Bill to the Legislative Council, and desire their concurrence.

(567)

Petition of Masters of British Ships, and Pilots on St. Lawrence, referred to Com. of whole on Trinity House Bill.

*Ordered* — That the Petition of the Masters and Owners of *British* Ships trading to the Port of *Quebec*, and of the Pilots of the River *St. Lawrence*, presented to the House on the 25th of *June* last, be referred to the Committee of the whole House, on the Bill to repeal and amend, in part, certain Acts, and a certain Ordinance therein mentioned, and to extend the powers, and increase the funds of the Corporation of the *Trinity House of Quebec*.

Com. on Petition of P. E. Taschereau and others, report.

Mr. *Taschereau*, from the Select Committee to which was referred the Petition of *P. E. Taschereau*, and others, inhabitants of the District of *Chaudière*, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

For the said Report, see Appendix (S.S.)

Rep. referred to Com. of whole, Tuesday.

*Ordered* — That the said Report be referred to a Committee of the whole House on *Tuesday* next.

Com. on Petition of R. F. Gourlay, report.

Mr. *Dunlop*, from the Select Committee to which was referred the Petition of *R. F. Gourlay*, Esquire, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

For the said Report, see Appendix (T.T.)<sup>1</sup>

**Dr. Dunlop** brought up the Report of the Committee appointed to examine the Petition of Robert Gourly (sic), Esq. The Report confirmed the prayer of the Petition, and spoke of the persecutions that the Petitioner had endured, in strong language.<sup>2</sup>

Several members of the House gave testimony in favor of Mr. Gourlay.<sup>3</sup>

**Mr. Cartwright** thought the Petition and Report out of order, and that they could not be sustained by the House.<sup>4</sup>

**Mr. Simpson** said Mr. Gourlay had been treated and persecuted as an Alien, though every body knew he was a Scotsman — such a thing was unheard of.<sup>5</sup>

**Capt. Steele** thought the persecution of Mr. Gourlay had been most unjust, and if he had done nothing else to entitle him to the gratitude of this country — his letter in his reply to McKenzie — and his conduct during the Navy Island affair, entitled him to the consideration he laid claim to.<sup>6</sup>

**Mr. Hincks** thought that Her Majesty's Ministers might very well spare a portion of the pension list of £5,000 which had been granted.<sup>7</sup>

**Sir Allan MacNab** thought the whole proceeding irregular and unconstitutional; he had heard of the sufferings of Mr. G., which he regretted as much as any man, he thought however, that the Report should be brought up before a Committee of the whole House.<sup>8</sup>

The Report was adopted.<sup>9</sup>

Rep. referred to  
Com. of whole,  
Monday.

(567)

*Ordered* — That the said Report be referred to a Committee of the whole House on *Monday* next.

On motion of Mr. *Small*, seconded by Mr. *Baldwin*.

Address to His  
Exc'y for Statement  
(next Sess.) of sums  
collected for Lunatic  
Asylum in U. C.

*Resolved* — That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before the Assembly, at the next Session of the Provincial Parliament, a statement of the amount levied and collected in the late Province of *Upper Canada*, for the purpose of erecting a Lunatic Asylum, shewing what amount has been collected in each District of the said Province.

*Ordered* — That the said address be presented to His Excellency by such Members of this House as are of the Honourable the Executive Council of this Province.

Mr. *Thorburn*, moved, seconded by Mr. *Cameron*,

Motion for Sel. Com.  
on Brock's  
monument.

That a Select Committee, composed of Sir *Allan MacNab*, Mr. *Merritt*, Mr. *Cartwright*, Mr. Attorney General *Draper*, and Mr. *Thompson*, be appointed to enquire into the state and condition of *Brock's* Monument, and what amount of moneys, if any, has been contributed by the public for its re-erection; and also whether certain Gold, and Silver Medals, struck for Militia Men, have been distributed, and if so, to whom; to report thereon with all convenient speed, with power to send for persons, papers, and records.<sup>10</sup>

Sir *Allan MacNab* stated what sums had been subscribed for the former — and as to the medals, as a kind of *Gourlay* case they were voted as a reward for the Militia Officers — and the Toronto Gentlemen sent for a Blacksmith to deface them and sold them for old gold and silver and gave the proceeds to the Hospital.<sup>11</sup>

Mr. *Neilson* deprecated the wasting the time of the House upon such matters.<sup>12</sup>

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The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth: —

YEAS.

<i>Baldwin</i> ,	<i>Gilchrist</i> ,	<i>Parent</i> ,	<i>Smith, (Went.)</i>
<i>Buchanan</i> ,	<i>Harrison, Hon. S.B.</i>	<i>Parke</i> ,	<i>Steele</i> ,
<i>Cameron</i> ,	<i>Holmes</i> ,	<i>Powell</i> ,	<i>Taschereau</i> ,
<i>Chesley</i> ,	<i>Hopkins</i> ,	<i>Quesnel</i> ,	<i>Thompson</i> ,
<i>Cook</i> ,	<i>McNab, Sir A.N.</i>	<i>Robertson</i> ,	<i>Thorburn</i> ,
<i>De Salaberry</i> ,	<i>McLean</i> ,	<i>Roblin</i> ,	<i>Turcotte</i> ,
<i>Dunn, Hon. J.H.</i>	<i>Merritt</i> ,	<i>Simpson</i> ,	<i>Woods. — 31.</i>
<i>Durand</i> ,	<i>Morris</i> ,	<i>Smith, (Front.)</i>	

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NOES.

<i>Barthe</i> ,	<i>Day, Hon. C.D.</i>	<i>Neilson</i> ,	<i>Taché</i> ,
<i>Burnet</i> ,	<i>Foster</i> ,	<i>Ogden, Hon. C.R.</i>	<i>Viger, Hon. D.B.</i>
<i>Cartwright</i> ,	<i>Hincks</i> ,	<i>Raymond</i> ,	<i>Yule. — 18.</i>
<i>Christie</i> ,	<i>McDonald, (Pres.)</i>	<i>Ruel</i> ,	

Motion carried.

So it was carried in the Affirmative, and —  
*Resolved* — Accordingly.

On motion of Mr. *Hincks*, seconded by Mr. *Moore*,

Bill to prevent circu-  
lation of bad copper  
(L. Coun.) read 2nd  
time.

*Ordered* — That the engrossed Bill from the Legislative Council, intituled "*An Act to prevent the fraudulent manufacture, importation, or circulation, of spurious Copper and Brass Coin*," be now read a second time.

The said Bill was accordingly read a second time.

*Ordered* — That the said Bill be read for the third time on *Monday* next.



On motion of the Honourable Mr. *Harrison*, seconded by Mr. Solicitor General *Day*.

House in Com. of  
Supply on Messages  
on Hamilton, & P.  
Dover Road, and  
L'Original Road.

*Resolved* — That this House do now resolve itself into a Committee of supply for Public improvements, to take into consideration the two several Messages of His Excellency, the Governor General, upon the subject of the *Port Dover* and *Hamilton* Road, and the Military Road in the *Eastern* District.

Mr. *Harrison* ... read a Message from his Excellency recommending the application of a sum of £30,000 for a Plank Road between Hamilton and Port Dover — and a sum of 1,500 for a military Road from Cornwall to the Ottawa.<sup>13</sup> ((He)) said that so much had already been observed connected with these works that it would be only a waste of time to discuss them any more....<sup>14</sup>

(568)

The House accordingly resolved itself into the said Committee.  
Mr. *Durand* took the chair of the Committee.<sup>15</sup>

Mr. *Harrison* stated the great importance of both these roads, and said Sir John Colborne had included the latter in a military Report as of great importance, and moved that the sum of £1,500 be appropriated for the latter and £30,000 for the former.<sup>16</sup>

Mr. *Merritt* called it a bye road, — that other roads of importance which had been begun could not be finished for want of means....<sup>17</sup> ((He)) objected to the attention of the House being called to such subjects. — We were told that such measures were to be left to the District Councils, and are we again to have our attention drawn to this Parish business. It was an act of gross injustice, and brought forward because it was somebody's favorite measure. — It was no military road and would not be used for that purpose. — And as to the other road to Hamilton from Port Dover, it was a much nearer line to Grimsby, which offered one of the best harbors on Lake Ontario. He had been applied to by the inhabitants of that place, and he had told them it was of no use to apply, because it must be the act of the District Council. He deprecated in very strong terms the mode of proceeding in the case of these two roads.<sup>18</sup>

Mr. *Cartwright* defended the measure, and said any man who would look at the map, would immediately see the expediency and utility of the roads.<sup>19</sup>

Mr. *Johnston* said the whole was a job, a trick, and was most disgraceful — there was no more necessity for the road to the Ottawa, than for a fifth wheel to a wagon.<sup>20</sup>

Mr. *Thompson* said he had every confidence in the Board of Works, and they had recommended these roads.<sup>21</sup>

Mr. *J. S. Macdonald* ... also bore ample testimony to the value of this road to the Eastern District....<sup>22</sup> ((He)) explained the necessity of the road and the serious inconvenience which had been sustained for the want of it during the Rebellion.<sup>23</sup>

Mr. *Cameron* disapproved of the measure, and would not vote for it. — When there were 15,000 inhabitants applying for a road in the County of Leeds — and no message had been sent down, and he was told it could not be done.<sup>24</sup>

Mr. *Viger* strongly objected to these proceedings — they would not be worthy of a seat in that House, if they did not protest against them. — A message had come down to say that the House would be prorogued on Wednesday next, and were now wasting the time about a road, it was monstrous to do so in a house already overwhelmed with business — why was not the Bill brought up 3 months ago. Any man who would thus vote away the money of the country was unworthy of a seat in that House.<sup>25</sup>

Sir *Allan MacNab*. — The Hon. gentleman who has just taken his *snuff* says any man who votes for these roads was unworthy of a seat in that House — well sir, then I am unworthy, for I shall vote for them, and so will a large majority vote for them, and therefore they are

unworthy. But, said Sir Allan, I am not to be deterred from doing my duty, because of the sentence pronounced by that hon. gentleman. He was perfectly astonished to hear such a sentence passed by a gentleman who has long been in Parliament — “a lawyer” — and he was equally surprized at the member for Lanark opposing an improvement so near his own section of the country. An hon. member (Mr. Merritt,) too ascribes motives to members; if he alludes to any member who has, as he says been making bargains, let him be named, and shewn up; but that hon. gentleman would do well to qualify such assertions, which he cannot and will not attempt to substantiate. The roads are both of great consequence; the hon. member talks of Dunnville — I know where Dunnville is, and I know that a large property belonging to that gentleman is to be found there; (a laugh!!) and then he quotes Lord Durham's Report, I do believe, (said the gallant Knight) that that gentleman carries the Report in his pocket, yes, and places it under his pillow. The hon. gentleman did not talk in this way when he wanted to carry his object in the Welland Canal. — Why gentlemen will it be believed that this very route was the line recommended for the Welland Canal, which my hon. friend managed to get where it is instead of it — he should vote for both roads.<sup>26</sup>

**Mr. Johnston** said that all the hon. member said about his wild schemes flew in at one window and out at the other, and notwithstanding the length of time he had been in Parliament, he was no Solomon yet.<sup>27</sup>

**Captain Steele** remarked that in a military point of view this road was of great importance, as in the event of war, we should be obliged in the absence of it to drag our munitions through swamps and places almost impassable.<sup>28</sup>

**Dr. Dunlop.** — It had been asserted that the proposed road was only travelled by lawyers going the circuit — he (thank God) was no lawyer, yet he had travelled that road repeatedly, and if being up to his middle in a road could make a private gentleman acquainted with it, he had scraped a most intimate acquaintance with the road from Cornwall to L'Original (sic). The roads in that section of the country were in a very bad state, owing to the uselessness of the Highlanders who resided on the sides of them. The road from Matice's which was cut during the war, was worse now than when it was first cut, and though the nearest by much; to Coteau du Lac, yet it was, when he visited it in 1827 worse than when first opened in 1815. And the only reason that the mail coach did not go by that route was, that travellers could find no accomodation along it. The road in contemplation was one of the first importance to the Province — being a line between the St. Lawrence and the Ottawa. — He hoped the supply would be granted.<sup>29</sup>

**Mr. Cook** objected to the measure, but we could not hear his words.<sup>30</sup>

**Mr. McLean** said he was quite astonished at so much being said about a small sum of £1,500. Any person who would take the trouble to look at the map must be convinced of its utility.<sup>31</sup> ((He)) drew the attention of the house, to the position of the inhabitants of the Ottawa District and on the banks of the St. Lawrence during the rebellion. Owing to the state of this road he said, they were at a time when they were daily in dread of invasion from the Lower Province, completely isolated from every other part of the country, the militia being without arms or ammunition, or any hope of getting any; at the same time that all retreat was cut off either north or south.<sup>32</sup> People were afraid to go to bed at night, lest their house should be burned before morning. At the time we were invaded in Lower Canada....<sup>33</sup>

**Mr. Neilson**, we did not invade you at all (a laugh),....<sup>34</sup>

((**Mr. McLean**)) ... no but we had good reason to fear it.<sup>35</sup>

**Mr. Viger.** — Why does His Excellency not tell us as a reason for these roads being made — we shall have war in three months; and we are here wasting the time of the House, talking about a grant of £1,500, and (taking a pinch of snuff) he would repeat his determination not to vote for these measures in spite of what members say till an absolute necessity can be shown for them, and one of the most pressing nature.<sup>36</sup>

There was some sharp shouting between **Sir Allan MacNab** and **Mr. Baldwin**.<sup>37</sup>

**Mr. Baldwin** said his reason for refusing his assent to the completion of the main road was, that he would not go the length of endorsing the immense debt which the Province was con-

tracting.<sup>38</sup> ((Mr. Baldwin)) in opposing the resolutions put it to the members how they could with any face after rejecting the grant for the Home District and other roads, take up the Port Dover road.<sup>39</sup>

**Sir Allan MacNab** was astonished, perfectly astonished, that the hon. member for Hastings should have hesitated to have thrown in all his "*powerful influence*" for the benefit of the District with which he was so intimately connected; he, (Sir Allan) was sorry he did not, for it was unquestionably his influence with his friends, which had destroyed and defeated those improvements — he repeated he was sorry for it — and he hoped the hon. member now felt some compunction for what he had done — and with a view to palliate that vote, he would now vote against those improvements also.<sup>40</sup>

**Mr. Baldwin** would assure the Gallant Knight that he felt no compunction — he would do the same again — his reason was, because he would not go further into debt, he disclaimed having any influence over other members, and that the House knew perfectly well.<sup>41</sup>

**Sir Allan ((MacNab))** resumed. — If the hon. gentleman had lost his influence, it was because he had sacrificed the interests of his friends in the Home District, who are deeply impressed with the conduct of the hon. gentleman, and will not easily forget it.<sup>42</sup>

**Mr. Neilson** said it had been remarked in the House of Commons that it was one of the most difficult things in the world, honorably, fairly and satisfactorily to distribute the public money for local purposes, and the noisy want of decency and decorum which had displayed itself on this subject, — showed the want of proper restraint in that House. His hon friend from Hastings had been accused of acting in contradiction to the views and interests of his constituents: and that he had exercised undue influence, (no, no,) — well if not undue influence, his influence against the public welfare; he had no influence but what he had a right to use, and would use no other. On this occasion, I differ from my friend the member for Hastings, and shall vote for the measures proposed, I do so, because they appear to me to be desirable, and because they have been introduced into the House in a proper manner by the Head of the Government, who are responsible for them. (Hear, hear, from all sides of the House.) My former vote was given against the appropriations because they were not included in the Report; and because I preferred supporting the great public communication to the Sea. He would say as the Parson said when he and his Parishioners were going to the shipwreck "*let us start fair.*"<sup>43</sup>

**Mr. Merritt** was surprized at the conduct of the member for Quebec (Mr. Neilson,) there was the same obnoxious system in operation; a measure got up, and effected by the influence of individuals, it was a continuance of the same system so condemned by Lord Durham. If the hon. member for Huron had any charges to make against him (Mr. Merritt) let him come out boldly and state them; he felt contempt for such insinuations, they were unfounded and contemptible, let him make his charges, and he was not afraid of the ordeal — he should come out of it as he had always done; and will defy any one to prove a single act of his public life which was chargeable with anything wrong, such conduct was really contemptible. (Hear.) The hon. gentleman spoke with great warmth and animation.<sup>44</sup>

**Dr. Dunlop** said he had been most scandalously used by the hon. member for Lincoln. Words had been put into his mouth which he had never uttered; therefore, as Canning said of Lord Brougham, the hon. member for Lincoln had "thrown away a great deal of exceedingly good indignation." The accusations against the hon. member (Mr. Merritt) were made by Sir Allan MacNab, but though he (Dr. D.) had not made them, now that he was called upon, he was bound to say that he most cordially concurred in every word that had fallen from the hon. Knight.<sup>45</sup>

**Mr. Parke** should vote for the improvement of these roads which would open up the country — he cared not where they were made; such roads as these, would, by the tolls pay the interest of the money necessary to construct them, and add to the domestic comfort of the inhabitants, as well as to the value of property.<sup>46</sup>

Some members near the hon. member shewed great impatience and cried question.<sup>47</sup>

**Mr. Parke** said he hoped hon. gentlemen would, if not for his sake, out of regard to the country and the House, allow him to proceed — he seldom troubled them, and never with



long speeches. (Hear.) He hoped a large majority of the House would concur in the motion now before the House.<sup>48</sup>

**Mr. Macdonald** said the proposed improvement had been promised for many years.<sup>49</sup>

**Mr. Johnston** asserted that as to its being a military road, no soldier would ever put a foot on it.<sup>50</sup>

**Mr. Cook** pronounced both the roads now proposed a job.<sup>51</sup>

**Mr. Harrison** denied that there was anything in the proposition that was not perfectly right and proper, both roads had been omitted in the Report by a mere oversight.<sup>52</sup>

**Sir Allan MacNab** said the hon. member for Dundas (Mr. Cooke) would not like to have said upon the Hustings, what he had said in that House on the subject of the local improvements of the country. He had never heard that hon. gentleman vote for any improvement, except one he believed which was to cost £200 — and that was for the improvement of a Creek called the Petit Nationne (sic), close to that gentleman's own residence; he is an excellent guardian of the public purse, and if on that gentleman's votes the improvement of the country depended we should have but little of it. The roads under consideration would prove to be of more than ten times the value of any road which could be brought before the notice of the House, and would make a large return to the country.<sup>53</sup>

**Mr. Merritt** again denied that the road from Cornwall to the Ottawa was a public road, and to say so was a gross misrepresentation. He said £12,000 only were required to complete the Grand River navigation, and that sum could not be obtained for so important a work — that had been refused and this recommended.<sup>54</sup>

**Dr. Dunlop** said the road from Port Dover to Hamilton was as much a public road as the Welland Canal.<sup>55</sup>

**Mr. Merritt** admitted that he believed the tolls would pay the interest of the money.<sup>56</sup>

**Mr. Neilson** said he would vote for both roads. Now that we had got Responsible Government and the roads had been brought properly forward by the Government, he should consider them responsible so long as they remained in office (which he hoped would not be very long) — (a laugh, in which all the ministers joined) — seriously, however, he had examined the Map and he could not but believe that a road which joined the two Lakes, and that too independent of the frontier must be desirable; he supposed we must have war one day or another. He wished to ask the hon. member for Kingston, how long a plank road was estimated by the Chairman of the Board of Works to last.<sup>57</sup>

**Mr. Harrison** said eight years; it was, however contemplated to have either a Plank or Macadamized road as might be most desirable.<sup>58</sup>

The question was put, when only 7 Members voted against it, 38 being in its favor.<sup>59</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. *Durand* reported, that the Committee had come to several Resolutions, which he was directed to submit to the House whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received on *Monday* next.

Mr. *Williams* moved, seconded by Captain *Steele*,

That no new matter, either by Bill or Resolution, be entertained by this House during the present Session, except it be sent down from the Legislative Council.

The question having been put upon the said motion, a division ensued, and it passed in the Negative.

The Honourable *D. Daly*, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency, the Governor General, signed by His Excellency.

Resolutions reported.

Motion for House to entertain no new matter this Session.

Motion lost.

Message from His Excellency.

And the said Message was read by Mr. Speaker, all the members of the House being uncovered, and is as followeth : —

SYDENHAM,

Message agreeing to appoint Commission to revise Statutes of L. Canada.

In reply to their Address of the 28th ultimo, the Governor General informs the House of Assembly that he will have pleasure in taking the necessary steps to comply with their request, for the appointment of a Commission for revising the Statutes and Ordinances of that part of this Province formerly called *Lower Canada*, and consolidating such of the said Statutes and Ordinances as relate to the same subjects, and can be advantageously consolidated.

Kingston, 11th September, 1841.

Chairman of Com. of whole on Loan Bill report amendments.

Mr. *Gilchrist*, from the Committee of the whole House on the Bill to facilitate the negotiation of a loan in *England*, and for other pur-

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poses therein mentioned, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table.

Motion for question of concurrence on amendments.

Mr. Attorney General *Draper* moved, seconded by Mr. Attorney General *Ogden*,

That the question of concurrence be now separately put upon the said amendments.

Amendment moved.

Mr. *Neilson* moved, in amendment, seconded by Mr. *Christie*,

That all the words after "That" in the said motion, be struck out, and the following substituted : "the said Bill be recommitted, with an instruction that it be so amended as to omit any acknowledgment it may contain of any portion of the public debt, not consented to by vote of the Assembly of the late Province of *Lower Canada*."

The question having been put upon the motion of amendment, a division ensued, and the names being called for, they were taken down as followeth : —

YEAS.

<i>Barthe,</i>	<i>Christie,</i>	<i>Neilson,</i>	<i>Viger, Hon. D.B.</i>
<i>Burnet,</i>	<i>Morin,</i>	<i>Taché,</i>	(7).

NOES.

<i>Baldwin,</i>	<i>De Salaberry,</i>	<i>McNab, Sir A.N.</i>	<i>Robertson,</i>
<i>Black,</i>	<i>Draper, Hon. W.H.</i>	<i>McDonald, (Pres.)</i>	<i>Roblin,</i>
<i>Buchanan,</i>	<i>Dunn, Hon. J.H.</i>	<i>McDonald, (Glen.)</i>	<i>Smith, (Fron.)</i>
<i>Cameron,</i>	<i>Dunscorn,</i>	<i>McLean,</i>	<i>Smith, (Went.)</i>
<i>Cartwright,</i>	<i>Durand,</i>	<i>Merritt,</i>	<i>Thompson,</i>
<i>Chesley,</i>	<i>Foster,</i>	<i>Ogden, Hon. C.R.</i>	<i>Thorburn,</i>
<i>Child,</i>	<i>Gilchrist,</i>	<i>Parke,</i>	<i>Watts,</i>
<i>Cook,</i>	<i>Harrison, Hon. S.B.</i>	<i>Powell,</i>	<i>Williams,</i>
<i>Daly, Hon. D.</i>	<i>Hincks,</i>	<i>Quesnel,</i>	<i>Yule. — 39.</i>
<i>Day, Hon. C.D.</i>	<i>Holmes,</i>	<i>Raymond,</i>	

Amendment lost.

So it passed in the Negative.

Main motion carried.

The question being then put upon the main motion, it was agreed to.

Amendments to Bill agreed to.

And the said amendment being again severally read, and the question of concurrence being separately put thereon, they were agreed to by the House.

*Ordered* — That the said Bill, as amended, be engrossed.

Bill read 3rd time.

An engrossed Bill to facilitate the negotiation of a loan in *England*, and for other purposes therein mentioned, was read for the third time.

Motion that Bill do pass.

Mr. Attorney General *Draper* moved, seconded by Mr. Attorney General *Ogden*,

That the Bill do pass.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth : —

## YEAS.

<i>Black,</i>	<i>Draper, Hon. W.H.</i>	<i>McDonald, (Glen.)</i>	<i>Smith, (Front.)</i>
<i>Buchanan,</i>	<i>Dunn, Hon. J.H.</i>	<i>McLean,</i>	<i>Smith, (Went.)</i>
<i>Cameron,</i>	<i>Dunscomb,</i>	<i>Merritt,</i>	<i>Steele,</i>
<i>Cartwright,</i>	<i>Foster,</i>	<i>Ogden, Hon. C.R.</i>	<i>Thompson,</i>
<i>Chesley,</i>	<i>Gilchrist,</i>	<i>Parke,</i>	<i>Thorburn,</i>
<i>Child,</i>	<i>Harrison, Hon. S.B.</i>	<i>Powell,</i>	<i>Watts,</i>
<i>Cook,</i>	<i>Hincks,</i>	<i>Quesnel,</i>	<i>Williams,</i>
<i>Daly, Hon. D.</i>	<i>Holmes,</i>	<i>Raymond,</i>	<i>Woods,</i>
<i>Day, Hon. C.D.</i>	<i>McNab, Sir A.N.</i>	<i>Robertson,</i>	<i>Yule. — 39.</i>
<i>De Salaberry,</i>	<i>McDonald, (Pres.)</i>	<i>Roblin,</i>	

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## NOES.

<i>Baldwin,</i>	<i>Christie,</i>	<i>Morin,</i>	<i>Taché,</i>
<i>Barthe,</i>	<i>Johnston,</i>	<i>Neilson,</i>	<i>Viger, Hon. D.B.</i>
<i>Burnet,</i>			<i>(9).</i>

Bill passed.

So it was carried in the Affirmative, and —

*Resolved* — Accordingly.*Ordered* — That Mr. Attorney General *Draper* do carry the said Bill to the Legislative Council, and desire their concurrence.

Chairman of Com. of whole on Bank Note Duty Bill reports amendments to Bill.

Mr. *Thorburn*, from the Committee of the whole House on the Bill for levying a certain rate or duty on Bank Notes, issued and in circulation in this Province, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table.

Motion for question of concurrence.

Mr. Attorney General *Ogden* moved, seconded by Mr. Attorney General *Draper*,

That the question of concurrence be now separately put upon the said amendments.

Amendment moved.

Mr. *Merritt* moved, in amendment, seconded by Mr. *Neilson*,

That all the words after "That," in the said motion, be struck out, and the following substituted: "the said Bill be recommitted, for the purpose of appropriating the duty to be raised by the Bill, to the payment of the debt hereafter to be created, for the construction of the various public works authorized during the present Session, in conformity with the Resolutions of this House, and for no other purpose."

The question having been put upon the motion of amendment, a division ensued, and the names being called for, they were taken down as followeth: —

## YEAS.

<i>Baldwin,</i>	<i>Christie,</i>	<i>Merritt,</i>	<i>Neilson,</i>
<i>Barthe,</i>	<i>Dunscomb,</i>	<i>Morin,</i>	<i>Viger, Hon. D.B.</i>
<i>Black,</i>			<i>(9).</i>

## NOES.

<i>Burnet,</i>	<i>Durand,</i>	<i>McDonald, (Pres.)</i>	<i>Roblin,</i>
<i>Child,</i>	<i>Foster,</i>	<i>McDonald, (Glen.)</i>	<i>Smith, (Fron.)</i>
<i>Cook,</i>	<i>Gilchrist,</i>	<i>McLean,</i>	<i>Smith, (Went.)</i>
<i>Daly, Hon. D.</i>	<i>Harrison, Hon. S.B.</i>	<i>Ogden, Hon. C.R.</i>	<i>Steele,</i>
<i>Day, Hon. C.D.</i>	<i>Hincks,</i>	<i>Parke,</i>	<i>Watts,</i>
<i>Draper, Hon. W.H.</i>	<i>Holmes,</i>	<i>Powell,</i>	<i>Wililams,</i>
<i>Dunlop,</i>	<i>Johnston,</i>	<i>Raymond,</i>	<i>Woods,</i>
<i>Dunn, Hon. J.H.</i>	<i>McNab, Sir A.N.</i>	<i>Robertson,</i>	<i>Yule. — 32.</i>

Amendment lost.

So it passed in the Negative.

Main motion carried.

The question being then put on the main motion, it was agreed to by the House,

Amendments to Bill agreed to.

And the said amendments being again severally read, and the question of concurrence being separately put thereon, they were agreed to by the House.

*Ordered* — That the said Bill, as amended, be engrossed.



Bill read 3rd time.

An engrossed Bill for levying a certain rate or duty on Bank notes, issued and in circulation in this Province, was read for the third time.

Motion that Bill do pass.

Mr. Attorney General *Ogden* moved, seconded by Mr. Attorney General *Draper*,

That the Bill do pass.

(571)

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth : —

YEAS.

<i>Baldwin,</i>	<i>Durand,</i>	<i>McDonald, (Glen.)</i>	<i>Roblin,</i>
<i>Child,</i>	<i>Foster,</i>	<i>McLean,</i>	<i>Smith, (Fron.)</i>
<i>Cook,</i>	<i>Gilchrist,</i>	<i>Merritt,</i>	<i>Smith, (Went.)</i>
<i>Daly, Hon. D.</i>	<i>Harrison, Hon. S.B.</i>	<i>Ogden, Hon. C.R.</i>	<i>Steele,</i>
<i>Day, Hon. C.D.</i>	<i>Hincks,</i>	<i>Parke,</i>	<i>Watts,</i>
<i>Draper, Hon. W.H.</i>	<i>Holmes,</i>	<i>Powell,</i>	<i>Williams,</i>
<i>Dunlop,</i>	<i>McNab, Sir A.N.</i>	<i>Raymond,</i>	<i>Woods,</i>
<i>Dunn, Hon. J. H.</i>	<i>McDonald, (Pres.)</i>	<i>Robertson,</i>	<i>Yule. — 32.</i>

NOES.

<i>Barthe,</i>	<i>Christie,</i>	<i>Morin,</i>	<i>Taché,</i>
<i>Black,</i>	<i>Dunscomb,</i>	<i>Neilson,</i>	<i>Turcotte,</i>
<i>Cartwright,</i>	<i>Johnston,</i>	<i>Parent,</i>	<i>Viger, Hon. D.B.</i>

(12).

Bill passed.

So it was carried in the affirmative, and —

*Resolved* accordingly.

*Ordered* — That Mr. Attorney General *Ogden* do carry the said Bill to the Legislative Council, and desire their concurrence.

Chairman of Com. of whole on Distilleries Duty Bill reports amendments to Bill.

Mr. *De Salaberry*, from the Committee of the whole House, on the Bill to impose a duty upon Distilleries in that part of the Province, heretofore *Lower Canada*, reported, according to Order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table.

Motion for question of concurrence.

The Honourable Mr. *Harrison* moved, seconded by Mr. Solicitor General *Day*,

That the question of concurrence be now separately put upon the said amendments.

Amendment moved.

Mr. *Merritt* moved, in amendment, seconded by Mr. *Neilson*,

That all the words after "That" in the said motion be struck out, and the following substituted — "the said Bill be recommitted, for the purpose of appropriating the duty to be raised by the Bill to the payment of the debt hereafter to be created for the construction of the various Public Works, authorized during the present session in conformity with the Resolutions of this House, and for no other purpose."

The question having been put upon the motion of amendment, a division ensued, and the names being called for, they were taken down, as followeth : —

YEAS.

<i>Baldwin,</i>	<i>Dunscomb,</i>	<i>Morin,</i>	<i>Taché,</i>
<i>Barthe,</i>	<i>Johnston,</i>	<i>Neilson,</i>	<i>Turcotte,</i>
<i>Black,</i>	<i>Merritt,</i>	<i>Parent,</i>	<i>Viger, Hon. D.B.</i>

(13).

NOES.

<i>Cartwright,</i>	<i>Durand,</i>	<i>McDonald, (Glen.)</i>	<i>Smith, (Fron.)</i>
<i>Child,</i>	<i>Foster,</i>	<i>McLean,</i>	<i>Smith, (Went.)</i>
<i>Cook,</i>	<i>Gilchrist,</i>	<i>Ogden, Hon. C.R.</i>	<i>Steele,</i>
<i>Daly, Hon. D.</i>	<i>Harrison, Hon. S.B.</i>	<i>Parke,</i>	<i>Watts,</i>
<i>Day, Hon. C.D.</i>	<i>Hincks,</i>	<i>Powell,</i>	<i>Williams,</i>

*Draper, Hon. W.H. Holmes, Raymond, Woods,*  
*Dunlop, McNab, Sir A.N. Robertson, Yule. — 31.*  
*Dunn, Hon. J.H. McDonald, (Pres.) Roblin,*

Amendment lost.

So it passed in the Negative.

(572)

Main motion carried.

The question being then put upon the main motion, it was agreed to,

Amendments agreed to.

And the said amendments being again severally read, and the question of concurrence being separately put thereon, they were agreed to by the House.

Amendment to 3rd clause of Bill.

*Ordered* — That the third Clause of the said Bill be struck out, and the following substituted : — “And be it enacted, that every person keeping or using a still, shall obtain a license from the District Inspector, which license shall continue and be in force until the thirty first day of *December* of the year on which the same is granted, and not afterwards, and shall be renewed annually.

*Ordered* — That the said Bill, as amended, be engrossed.

Bill read 3rd time.

An engrossed Bill to impose a duty upon Distilleries in that part of the Province heretofore *Lower Canada*, was read for the third time.

Motion that Bill do pass.

The Honourable Mr. *Harrison* moved, seconded by Mr. Solicitor General *Day*,

That the Bill do pass, and the title be “*An Act to impose a duty upon Distilleries in that part of the Province heretofore called Lower Canada.*”

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth : —

#### YEAS.

<i>Baldwin,</i>	<i>Dunn, Hon. J. H.</i>	<i>McDonald, (Pres.) Roblin,</i>
<i>Black,</i>	<i>Dunscomb,</i>	<i>McDonald, (Glen.) Smith, (Fron.)</i>
<i>Cartwright,</i>	<i>Durand,</i>	<i>McLean, Smith, (Went.)</i>
<i>Child,</i>	<i>Foster,</i>	<i>Merritt, Steele,</i>
<i>Cook,</i>	<i>Gilchrist,</i>	<i>Ogden, Hon. C.R. Watts,</i>
<i>Daly, Hon. D.</i>	<i>Harrison, Hon. S.B. Parke,</i>	<i>Williams,</i>
<i>Day, Hon. C.D.</i>	<i>Hincks,</i>	<i>Powell, Woods,</i>
<i>Draper, Hon. W.H. Holmes,</i>		<i>Raymond, Yule. — 35.</i>
<i>Dunlop,</i>	<i>McNab, Sir A.N.</i>	<i>Robertson,</i>

#### NOES.

<i>Barthe,</i>	<i>Morin,</i>	<i>Parent,</i>	<i>Turcotte,</i>
<i>Christie,</i>	<i>Neilson,</i>	<i>Taché,</i>	<i>Viger, Hon. D.B.</i>
<i>Johnston,</i>			(9).

Bill passed.

So it was carried in the affirmative, and —

*Resolved* accordingly.

*Ordered* — That the Honourable Mr. *Harrison*, do carry the said Bill to the Legislative Council, and desire their concurrence.

Chairman of Committee of whole on Auction duty Bill reports amendments.

Mr. *Watts*, from the Committee of the whole House on the Bill to make certain alterations in the Law relative to duty upon sales of property by Auction, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table.

Motion for question of concurrence.

The Honourable Mr. *Harrison* moved, seconded by Mr. Solicitor General *Day*,

Amendment moved.

That the question of concurrence ((be)) now separately put upon the said amendments.

Mr. *Merritt* moved in amendment, seconded by Mr. *Neilson*,

That all the words after “That” in the said motion be struck out, and the following substituted — “the said Bill be recommitted, for the purpose of appropriating the duty to be raised by the Bill to the payment of the debt hereafter to be created for the construction of the

"various Public Works authorized during the present session, in conformity with the Resolutions of this House, and for no other purpose."

(573)

The question having been put upon the motion of amendment, a division ensued, and the names being called for, they were taken down as followeth : —

## YEAS.

<i>Baldwin,</i>	<i>Dunscomb,</i>	<i>Morin,</i>	<i>Taché,</i>
<i>Barthe,</i>	<i>Johnston,</i>	<i>Neilson,</i>	<i>Turcotte,</i>
<i>Black,</i>	<i>Merritt,</i>	<i>Parent,</i>	<i>Viger, Hon. D.B.</i>
<i>Christie,</i>			(13).

## NOES.

<i>Cartwright,</i>	<i>Durand,</i>	<i>McDonald, (Glen.)</i>	<i>Smith, (Fron.)</i>
<i>Child,</i>	<i>Foster,</i>	<i>McLean,</i>	<i>Smith, (Went.)</i>
<i>Cook,</i>	<i>Gilchrist,</i>	<i>Ogden, Hon. C.R.</i>	<i>Steele,</i>
<i>Daly, Hon. D.</i>	<i>Harrison, Hon. S.B.</i>	<i>Parke,</i>	<i>Watts,</i>
<i>Day, Hon. C. D.</i>	<i>Hincks,</i>	<i>Powell,</i>	<i>Williams,</i>
<i>Draper, Hon. W.H.</i>	<i>Holmes,</i>	<i>Raymond,</i>	<i>Woods,</i>
<i>Dunlop,</i>	<i>McNab, Sir A.N.</i>	<i>Robertson,</i>	<i>Yule. — 31.</i>
<i>Dunn, Hon. J.H.</i>	<i>McDonald, (Pres.)</i>	<i>Roblin,</i>	

Amendment lost.

Main motion carried.

So it passed in the Negative.

The question being then put upon the main motion, it was agreed to.

Amendments  
agreed to.

And the said amendments being again severally read, and the question of concurrence being separately put thereon, they were agreed to by the House.

*Ordered* — That the said Bill, as amended, be engrossed.

Bill read 3rd time.

An engrossed Bill to make certain alterations in the Laws relative to duty upon sales of property by Auction, was read for the third time.

Motion that Bill do  
pass.

The Honourable Mr. *Harrison* moved, seconded by Mr. Attorney General *Draper*,

That the Bill do pass, and the title be "*An Act to make certain alterations in the Laws relative to the duty upon sales of property by Auction.*"

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth : —

## YEAS.

<i>Baldwin,</i>	<i>Dunn, Hon. J.H.</i>	<i>McDonald, (Pres.)</i>	<i>Roblin,</i>
<i>Black,</i>	<i>Dunscomb,</i>	<i>McDonald, (Glen.)</i>	<i>Smith, (Fron.)</i>
<i>Cartwright,</i>	<i>Durand,</i>	<i>McLean,</i>	<i>Smith, (Went.)</i>
<i>Child,</i>	<i>Foster,</i>	<i>Merritt,</i>	<i>Steele,</i>
<i>Cook,</i>	<i>Gilchrist,</i>	<i>Ogden, Hon. C.R.</i>	<i>Watts,</i>
<i>Daly, Hon. D.</i>	<i>Harrison, Hon. S.B.</i>	<i>Parke,</i>	<i>Williams,</i>
<i>Day, Hon. C.D.</i>	<i>Hincks,</i>	<i>Powell,</i>	<i>Woods,</i>
<i>Draper, Hon. W.H.</i>	<i>Holmes,</i>	<i>Raymond,</i>	<i>Yule. — 35.</i>
<i>Dunlop,</i>	<i>McNab, Sir A.N.</i>	<i>Robertson,</i>	

## NOES.

<i>Barthe,</i>	<i>Morin,</i>	<i>Parent,</i>	<i>Turcotte,</i>
<i>Christie,</i>	<i>Neilson,</i>	<i>Taché,</i>	<i>Viger, Hon. D.B.</i>
<i>Johnston,</i>			(9).

Bill passed.

So it was carried in the Affirmative, and —

*Resolved* — Accordingly.

*Ordered* — That the Honourable Mr. *Harrison*, do carry the said Bill to the Legislative Council, and desire their concurrence.



Chairman of Committee of whole on Commercial Bank Bill reports amendments to Bill.

Mr. *Burnet*, from the Committee of the whole House on the Bill to increase the Capital Stock of the Commercial Bank of the *Midland*

(574)

District, and on the final report of the Select Committee on currency and Banking, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table.

*Ordered* — That the question of concurrence be now separately put upon the said amendments.

And the first to the eighth of the said amendments inclusive, being again severally read, and the question of concurrence being separately put thereon, they were agreed to by the House.

The ninth and last of the said amendments being again read, and the question of concurrence being put thereon, a division ensued, and it was carried in the Affirmative.

*Ordered* — That the said Bill, as amended, be engrossed.

A Bill to continue for a limited period a certain Act therein mentioned, was, according to order, read a second time.

*Ordered* — That the said Bill be now referred to a Committee of the whole House.

*Ordered* — That it be an instruction to the said Committee to amend the said Bill, by extending the provision thereof to the Act of the Legislature of *Upper Canada*, 11th GEORGE IV, as amended by the 3rd. WILLIAM IV, chapter 46 : and also to the Act of the said Legislature, 7th WILLIAM IV, chapter 23.

The House then resolved itself into the said Committee.

Captain *Steele*, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Captain *Steele*, reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table, and agreed to by the House.

*Ordered* — That the said Bill, as amended, be engrossed.

The Honourable *S. B. Harrison*, one of Her Majesty's Executive Council, delivered to Mr. Speaker a message from His Excellency, the Governor General, signed by His Excellency.

And the said message was read by Mr. Speaker, all the Members of the House being uncovered, and is as followeth : —

SYDENHAM,

In reference to the Address from the House of Assembly of the 24th ultimo, the Governor General recommends to the House that the sum of £246 should be granted to *Christopher Leggo*, of the Town of *Brockville*, in consideration of the loss incurred by him from the forcible entry into his shop of certain volunteers, at the time stationed in *Brockville*, for which offence several of those individuals were tried and convicted.

Government House, Kingston, }  
10th September, 1841.

The Order of the day for the House in Committee on the Bill to repeal certain Acts therein mentioned, and to consolidate the Laws relating to the Provincial duties to be levied on goods, wares, and merchandize, imported into this Province, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Thorburn* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. *Thorburn* reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was

1st to 8th amendments agreed to.

9th amendment agreed to.

Bill to be engrossed.

Bill to continue a certain Act read 2nd time.  
House to go in Committee on the Bill.

Instruction to Committee.

House in Committee.

Bill reported amended.

Bill to be engrossed.

Message from His Excellency.

Message recommending grant of £246 C. Leggo.

House in Committee on customs duties regulation Bill.

Bill reported amended.

(575)

directed to report to the House whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received on *Monday* next.

House in Com. on  
Message on remun-  
erating Members of  
Assembly.

The Order of the day for the House in Committee on the message of His Excellency the Governor General, recommending provision to be made for the payment of remuneration to Members of the Legislative Assembly, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Parent*, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Resolution reported.

And Mr. *Parent*, reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and is as followeth : —

Resolution.

*Resolved* — That it is the opinion of this Committee that it is expedient to provide, by law, for a sessional payment to Members of the Legislative Assembly.

Motion to concur in  
Resolution.

The Honourable Mr. *Harrison* moved, seconded by Mr. *Cameron*, That this House doth concur with the Committee in the said Resolution.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth : —

## YEAS.

<i>Aylwin,</i>	<i>Dunlop,</i>	<i>McLean,</i>	<i>Raymond,</i>
<i>Baldwin,</i>	<i>Dunn, Hon. J. H.</i>	<i>Merritt,</i>	<i>Roblin,</i>
<i>Cameron,</i>	<i>Durand,</i>	<i>Morin,</i>	<i>Ruel,</i>
<i>Chesley,</i>	<i>Foster,</i>	<i>Morris,</i>	<i>Smith, (Went.)</i>
<i>Child,</i>	<i>Gilchrist,</i>	<i>Neilson,</i>	<i>Steele,</i>
<i>Christie,</i>	<i>Harrison, Hon. S.B.</i>	<i>Ogden, Hon. C.R.</i>	<i>Taché,</i>
<i>Cook,</i>	<i>Hopkins,</i>	<i>Parent,</i>	<i>Taschereau,</i>
<i>Daly, Hon. D.</i>	<i>Johnston,</i>	<i>Parke,</i>	<i>Thorburn,</i>
<i>Day, Hon. C.D.</i>	<i>McNab, Sir A.N.</i>	<i>Powell,</i>	<i>Turcotte,</i>
<i>De Salaberry,</i>	<i>McDonald, (Pres.)</i>	<i>Quesnel,</i>	<i>Viger, Hon. D.B.</i>

(40).

## NOES.

*Black,* *McDonald, (Glen.) Watts,* *Williams. — 5.*  
*Burnet,*

Motion carried.

So it was carried in the affirmative, and —

*Resolved* — Accordingly.

Motion for leave to  
bring in Bill for pay-  
ment of Members of  
Assembly.

The Honourable Mr. *Harrison* moved, seconded by Mr. Solicitor General *Day*, for leave to bring in a Bill to provide, by law, for a sessional payment to Members of the Legislative Assembly.

The question having been put upon the said motion, a division ensued.

Yeas, 40.

Noes, 5,

And the names being called for, they were taken down, as in the last preceding division.

Carried.

So it was carried in the affirmative,

Bill brought in.

And the said Bill was received and read for the first time.

*Ordered* — That the said Bill be read a second time on *Monday* next.<sup>60</sup>

(576)

On motion of Mr. *Morris*, seconded by Mr. *Cameron*,

Message on claim of  
C. Leggo, referred.

*Ordered* — That the message of His Excellency, the Governor General, on the subject of the claim of *Christopher Leggo*, of the

Town of *Brockville*, be referred to the Committee of the whole House on the Report of the Special Committee to which was referred the Report of the Commissioner of the Provincial Steam Dredging Machine, and other references.

Message from  
His Excellency.

The Honourable *D. Daly*, one of Her Majesty's Executive Council, delivered to Mr. Speaker a message from His Excellency, the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the members of the House being uncovered, and is as followeth : —

SYDENHAM,

Message from His  
Excellency, respecting  
commission on Feudal  
Tenure.

In reply to their address of the 7th instant, the Governor General informs the House of Assembly, that he will take the necessary steps for complying with their wishes as therein expressed in regard to the appointment of a Commission to enquire into and report upon the Tenure of lands commonly called the Seigniorial Tenure, as it obtains in that part of the Province heretofore called *Lower Canada*.

Kingston, 11 September, 1841.

On motion of Mr. Solicitor General *Day*, seconded by the Honourable Mr. *Harrison*,

House to go into  
com. on Common  
School Bill on Mon-  
day.

*Ordered* — That the Order of the day for the House in Committee on the Bill to repeal certain Acts therein mentioned, and to make provision for the establishment and maintenance of Common Schools, throughout this Province, and other references, be postponed until *Monday* next, and that it be then the first order of the day.

At five o'clock Mr. Speaker declared the House adjourned until 7 o'clock, P. M.

7 o'clock, P.M.<sup>61</sup>

House in Com. on  
Niagara Dist. Bank  
stock increase Bill.

The Order of the day for the House in to Committee on the Bill to incorporate sundry persons under the style and title of the President, Directors, and Company, of the Bank of the *Niagara* District, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Thorburn* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. *Thorburn* reported that the Committee had gone through the Bill, without making any amendment thereto, and the report was again read at the Clerk's table.

Bill to be engrossed.

*Ordered* — That the said Bill be engrossed.

House in Com. on  
U. C. Bank stock  
increase Bill.

The Order of the day for the House in Committee on the Bill to increase the capital stock of the Bank of *Upper Canada*, being read.

The House accordingly resolved itself into the said Committee.

Mr. *Thorburn* took the chair of the Committee.<sup>62</sup>

Mr. *Buchanan*, in taking up the next Bill in citation (the Upper Canada Bank Bill) said he was not prepared to state that if the Bill passed that the Bank would accept it, its charter had still a long time to run — still he would insist upon having an extension of capital, and had insured £550,000 as the additional sum; in other requests he was willing to introduce all the clauses insisted upon by the House in the Commercial Bank Bill previously passed — and the Bill proceeded.<sup>63</sup>

Objections were raised by several hon. members to an increase beyond £250,000.<sup>64</sup>

Mr. *Johnston* gave notice that he would insist upon his amendment to compel the Banks to do their own protesting, if protest they would, and without any notarial charges allowed them. He insisted also that the extension of time granted in the charters, 21 years, was unfair — some Banks had 16 years of their charters to run, and they were entitled to 21 years beyond that, whereas some Bank charters were about to expire. What right had they to the same consideration? They had no right, and he was astonished at the hon. member for Montreal, who had stated that he sought no privileges for the Bank of Montreal beyond what was



conceded to others, when that gentleman now had got into his bill an increase of capital, making his bank £750,000, while the other bank capitals would amount to only \$500,000, (sic) with the increase, and he did not understand such conduct.<sup>65</sup>

**Mr. Holmes** hereupon rose, and said it was not his intention to occupy the time of the House at that late hour, and at that hurried period of the session, but he would not allow the member for Carleton, or any one else, to impute motives to him which he repelled with indignation. His conduct on the Banking committee, and in that House, he was willing should be judged of by the House, and he felt satisfied, not only that the opinions expressed by the hon. member for Carleton would not be entertained by that House, but that the very reverse would be expressed: — he could only attribute that gentleman's remarks to his ignorance of the question.<sup>66</sup>

(576)

and after some time spent therein,

Mr. Speaker resumed the chair,

And **Mr. Thorburn** reported that the Committee had gone through the Bill, without making any amendment thereto; and the report was again read at the Clerk's table.

Bill to be engrossed.

*Ordered* — That the said Bill be engrossed.

(577)

House in Com. on  
Gore Bank stock  
increase Bill.

The Order of the day for the House in Committee on the Bill to amend the charter, and increase the capital stock of the *Gore* Bank, being read,

The House accordingly resolved itself into the said Committee.

**Mr. Thorburn** took the chair of the Committee,<sup>67</sup>

**Mr. Thompson** brought forward the claims of the *Gore* Bank, and similar clauses were introduced in that Bank Charter, and an extension allowed of capital amounting to £400,000.<sup>68</sup>

**Sir Allan MacNab** said he thought **Mr. Thompson** was wrong, as the *Gore* Bank would never get the Stock taken up.<sup>69</sup>

**Mr. Thompson** said he did not know about that, but he was determined to have as much as any one else....<sup>70</sup>

(577)

and after some time spent therein,

Mr. Speaker resumed the chair,

And **Mr. Thorburn** reported that the Committee had gone through the Bill without making any amendment thereto; and the report was again read at the Clerk's table.

Bill to be engrossed.

*Ordered* — That the said Bill be engrossed.

House in Com. on  
Montreal Bank stock  
increase Bill.

The Order of the day for the House in Committee on the Bill to extend the charter of the Bank of *Montreal*, and to increase its capital stock, being read,

The House accordingly resolved itself into the said Committee.

**Mr. Thorburn** took the chair of the Committee,<sup>71</sup>

((**Mr. Thompson**)) objected, ... to the Bank of *Montreal* getting any additional capital, it was wrong to allow it, it might be injurious to the other Banks.<sup>72</sup>

In this **Mr. Morris**, of the Commercial Bank coincided....<sup>73</sup>

((So)) did other persons interested in the Banks of the Upper Province.<sup>74</sup>

**Mr. Holmes** again appealed to the House, and asked, is it just, is it fair, that the several Banks in this section of the Province should be allowed to extend their capitals 125 per cent, in the last instance 100 per cent, and that the *Montreal* Bank should be refused to extend theirs 50 per cent, and the city of *Montreal* receive no more consideration, as the commercial em-

porium of the Canadas, than the village of Hamilton, or the town of Kingston. — He was astonished at the friends of those banks who had preceded him; it had been understood that all the Banks were to increase their capitals, and now he found opposition raised at every step against his; but he feared not that such motions would prevail, (no, no,) — he had too high a sense of the justice of the honorable members, and on that justice he would rest his appeal, bowing to the decision of the House should it decide against him, but he felt satisfied that such would not be the case, because what he asked in this instance and in every other instance since he had the honour of a seat in that House, was right. (Hear, hear.)<sup>75</sup>

**Mr. Baldwin** could not understand hon. members' opposition to the Bank of Montreal; that institution stood favorably before the public, and the hon. gentleman who conducted its affairs in that House merited the favourable consideration of the House. He had shown himself to be actuated by honorable and honest motives throughout, and he considered it a somewhat strange mode of dispensing equal justice, when hon. members proposed to limit the banking institutions of the city of Montreal to those of the great commercial town of Hamilton (a laugh).<sup>76</sup>

**Mr. Johnston** again said he should oppose the bill at its third reading, and propose a rider.<sup>77</sup>

**Mr. Morris** brought forward another amendment — after the question was carried by a majority of 36 to 5 — to the effect that the Bank of Montreal should not be allowed to increase its capital beyond £100,000, which amendment was negatived by the same majority....<sup>78</sup>

(577)

and after some time spent therein,

Mr. Speaker resumed the chair,

And **Mr. Thorburn** reported that the Committee had gone through the Bill, without making any amendment thereto; and the report was again read at the Clerk's table.

Bill to be engrossed.

*Ordered* — That the said Bill be engrossed.

House in Com. on  
Bill to increase stock  
of City Bank of  
Montreal.

The Order of the day for the House in Committee on the Bill to extend the charter of the City Bank of *Montreal*, and to increase its capital stock, being read,

The House accordingly resolved itself into the said Committee.

**Mr. Thorburn**, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair.

And **Mr. Thorburn**, reported that the Committee had gone through the Bill, without making any amendments thereto; and the Report was again read at the Clerk's table.

Bill to be engrossed.

*Ordered* — That the said Bill be engrossed.<sup>79</sup>

House in Com. on  
Quebec Bank stock  
increase Bill.

The Order of the day for the House in Committee on the Bill to extend the charter of the *Quebec* Bank, being read,

The House accordingly resolved itself into the said Committee.

**Mr. Thorburn**, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And **Mr. Thorburn**, reported that the Committee had gone through the Bill, without making any amendment thereto; and the Report was again read at the Clerk's table.

Bill to be engrossed.

*Ordered* — That the said Bill be engrossed.<sup>80</sup>

On motion of **Mr. Cameron**, seconded by **Mr. Derbishire**,

*Ordered* — That the Order of the day for the House in Committee on the Bill for the erection of certain Townships in the County of *Kent*, into a separate District, be postponed until *Monday* next.

*Ordered* — That **Mr. Duggan**, have further leave to absent himself from this House during the present Session.

Consideration of Bill  
to erect a new County  
in Kent, postponed.

Further leave of  
absence to **Mr.**  
**Duggan**.

Remaining orders  
postponed.

On motion of Mr. *Morris*, seconded by Mr. *Williams*,  
*Ordered* — That the Orders of the day that have not been disposed of, be postponed until *Monday* next, and that they be then the first orders of the day.

Then, on motion of Mr. *Quesnel*, seconded by the Honourable Mr. *Viger*,

The House adjourned.

#### Appendix, 11 September 1841.

##### ((Motion Re: Indian Lands on Grand River.))<sup>81</sup>

**Mr. Thompson** moved that an humble address be presented to His Excellency the Governor General for a detailed statement of the affairs of the Indian Nations, on the Grand River.<sup>82</sup>

**Mr. Harrison** said the Indian Lands had always been under the especial protection of the Crown and that hitherto no interference had been allowed on the part of the popular branch of the Legislature.<sup>83</sup>

**Mr. Dunn** said that he had been in the capacity of Trustee, in the habit of receiving all monies due to the Indians, which were regularly and legally accounted for.<sup>84</sup> He considered it quite *apropos* to remark, that he had never heard of any reason existing that could induce them to make complaints.<sup>85</sup>

**Mr. Chesley** observed that knowing their disposition he was not in the least surprised, if discontent prevailed amongst them; but he was of opinion that it was without the slightest foundation, they having been uniformly treated with every kindness.<sup>86</sup>

**Mr. Parke** confirmed Mr. Harrison's view of the case, and thought it highly injudicious to open up the question.<sup>87</sup>

**Mr. Neilson** said this was a matter of some importance; the Indians were in one view of the case subjects, and in others an independent people. He felt assured that the affairs of the Indians had been better managed — though it might be said under a defective Government — far better than by the Government of the United States; and he (Mr. N.) would be sorry to see the affairs of Aboriginies managed in any other way....<sup>88</sup> Contrasting the treatment they had received with what had been experienced by the Indians in the United States, the hon. member remarked that it reflected the highest credit on the mother country.<sup>89</sup> If they get into the hands of the Colonial Government it would lead to dissatisfaction and difficulty.<sup>90</sup>

**Mr. Thompson** explained that his only motive for bringing the subject to the notice of the house was, to obtain such statements as he knew would effectually remove any erroneous impressions that had been created amongst them.<sup>91</sup>

**Mr. Merritt's** object in the motion was not to interfere with the management of the Indian affairs but to obtain information.<sup>92</sup>

**Sir Allan MacNab** thought no good would arise out of the enquiry.<sup>93</sup>

**Mr. Baldwin.** — The Indians were a kind of independent people — though out of the way subjects of the Crown; and he would recommend that the motion should be withdrawn....<sup>94</sup>

At the suggestion of the House... the hon. member ((**Mr. Thompson**)) withdrew his motion —<sup>95</sup>

##### ((Notice of Address Re: Prorogation.))

**M. Johnston** a donné avis d'une adresse à Son Excellence le Gouverneur Général demandant que la Chambre soit dissoute au lieu d'être prorogée à la fin de la présente session.<sup>96</sup>



## Footnotes — 11 September 1841.

1. The MONTREAL GAZETTE, 17 September 1841, and KINGSTON CHRONICLE, 15 September 1841, gave identical reports of the debate on this issue.
2. KINGSTON CHRONICLE, 15 September 1841.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. The debate on this issue was noted by : BRITISH COLONIST, 15 September 1841 ; and identically by KINGSTON CHRONICLE, 15 September 1841, and MONTREAL GAZETTE, 17 September 1841.
11. KINGSTON CHRONICLE, 15 September 1841.
12. IBID.
13. IBID.
14. BRITISH COLONIST, 15 September 1841.
15. KINGSTON CHRONICLE, 15 September 1841, and MONTREAL GAZETTE, 17 September 1841, contained identical reports of this debate ; other reports are found in BRITISH COLONIST, 15 September 1841, and EXAMINER, 15 September 1841.
16. KINGSTON CHRONICLE, 15 September 1841.
17. BRITISH COLONIST, 15 September 1841.
18. KINGSTON CHRONICLE, 15 September 1841.
19. IBID.
20. IBID.
21. IBID.
22. BRITISH COLONIST, 15 September 1841.
23. KINGSTON CHRONICLE, 15 September 1841.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. BRITISH COLONIST, 15 September 1841.
29. KINGSTON CHRONICLE, 15 September 1841.
30. IBID.
31. IBID.
32. BRITISH COLONIST, 15 September 1841.
33. KINGSTON CHRONICLE, 15 September 1841.
34. IBID.
35. IBID.
36. IBID.
37. EXAMINER, 15 September 1841.
38. KINGSTON CHRONICLE, 15 September 1841.
39. EXAMINER, 15 September 1841.
40. KINGSTON CHRONICLE, 15 September 1841.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. IBID.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. LE CANADIEN, 17 September 1841, contains a commentary on this bill.
61. The evening session was devoted to the consideration of bank charters. The BRITISH COLONIST, 15 September 1841, made the comment : "The evening session there was a very thin house, which may perhaps account for the remaining Bank Charters being got through with, the period is uniform throughout, 20 years." The KINGSTON CHRONICLE, 15 September 1841, and MONTREAL GAZETTE, 17 September 1841, in an identical report commented : "Mr. Cartwright as the representative for the Commercial Bank, Messrs. Holmes and Dunscombe for the Montreal Banks, Mr. Black for that of Quebec, Mr. Buchanan for the Upper Canada Bank and Mr. Thompson for the Gore Bank, have shown themselves able partisans for their respective establishments."
62. The debate on the Upper Canada Bank was reported by KINGSTON CHRONICLE, 15 September 1841, MONTREAL GAZETTE, 18 September 1841, and EXAMINER, 22 September 1841, all of which printed the same report.

63. KINGSTON CHRONICLE, 15 September 1841.
64. IBID.
65. IBID.
66. IBID.
67. This debate was reported identically in, MONTREAL GAZETTE, 18 September 1841, KINGSTON CHRONICLE, 15 September 1841, and EXAMINER, 22 September 1841.
68. KINGSTON CHRONICLE, 15 September 1841.
69. IBID.
70. IBID.
71. KINGSTON CHRONICLE, 15 September 1841, MONTREAL GAZETTE, 18 September 1841, and EXAMINER, 22 September 1841, all give identical reports of this debate.
72. KINGSTON CHRONICLE, 15 September 1841.
73. IBID.
74. IBID.
75. IBID.
76. IBID.
77. IBID.
78. IBID.
79. According to identical reports in KINGSTON CHRONICLE, 15 September 1841, MONTREAL GAZETTE, 18 September 1841, and EXAMINER, 22 September 1841, this bill went through committee without any discussion.
80. IBID.
81. The debate on this subject was reported by: KINGSTON CHRONICLE, 15 September 1841, and MONTREAL GAZETTE, 17 September 1841, in identical reports; and by BRITISH COLONIST, 15 September 1841.
82. BRITISH COLONIST, 15 September 1841.
83. KINGSTON CHRONICLE, 15 September 1841.
84. IBID.
85. BRITISH COLONIST, 15 September 1841.
86. IBID.
87. KINGSTON CHRONICLE, 15 September 1841.
88. IBID.
89. BRITISH COLONIST, 15 September 1841.
90. KINGSTON CHRONICLE, 15 September 1841.
91. BRITISH COLONIST, 15 September 1841.
92. KINGSTON CHRONICLE, 15 September 1841.
93. IBID.
94. IBID.
95. BRITISH COLONIST, 15 September 1841.
96. LE CANADIEN, 17 September 1841.

## Monday, 13 September 1841.

- (578)
- Montreal Bank stock increase Bill passed. An engrossed Bill to extend the charter of the Bank of *Montreal*, and to increase its Capital Stock, was read for the third time.  
*Resolved* — That the Bill do pass, and the title be "*An Act to re-new the Charter of the Bank of Montreal, and to increase its Capital Stock.*"  
*Ordered* — That Mr. *Holmes*, do carry the said Bill to the Legislative Council, and desire their concurrence.
- U. C. Bank stock increase Bill passed. An engrossed Bill to increase the Capital Stock of the Bank of *Upper Canada*, was read for the third time.  
*Resolved* — That the Bill do pass.  
*Ordered* — That Mr. *Buchanan*, do carry the said Bill to the Legislative Council, and desire their concurrence.
- Commercial Bank Stock increase Bill passed. An engrossed Bill to increase the Capital Stock of the Commercial Bank of the *Midland District*, was read for the third time.  
*Resolved* — That the Bill do pass, and the title be "*An Act for increasing the Capital Stock of the Commercial Bank of the Midland District.*"  
*Ordered* — That Mr. *Cartwright*, do carry the said Bill to the Legislative Council, and desire their concurrence.
- Bill to continue certain Acts passed. An engrossed Bill to continue, for a limited period, certain Acts therein mentioned, was read for the third time.  
*Resolved* — That the Bill do pass, and that the title be "*An Act to continue for a limited time, certain Acts therein mentioned.*"  
*Ordered* — That Mr. Solicitor General *Day*, do carry the said Bill to the Legislative Council, and desire their concurrence.
- Bill to increase stock of City Bank of Montreal passed. An engrossed Bill to extend the charter of the City Bank of *Montreal*, and to increase its Capital Stock, was read for the third time.  
*Resolved* — That the Bill do pass, and the title be "*An Act to extend the charter of the City Bank, and to increase the Capital Stock thereof.*"  
*Ordered* — That Mr. *Dunscomb* do carry the said Bill to the Legislative Council, and desire their concurrence.
- Petitions read.*  
*Pursuant* to the Order of the day, the following Petitions were read : —  
 Of Rev. J. Machar & others. Of the Reverend *John Machar*, and the Elders and Congregation of St. Andrew's Church, *Kingston*, praying that the Scriptures may be used as a class book in the Schools and Seminaries.  
 Of Maria McCrea. Of *Maria McCrea*, stating that she was placed in the house, for the meeting of the Legislature, under an expectation of being appointed House-keeper, and praying remuneration for the loss sustained in not being appointed.  
 Of W. McClelland and others. Of *William McClelland*, and others, inhabitants of the Township of *Thorold*, praying that the *Welland* Canal Company may be compelled to erect a Bridge over the Canal where it crosses the road from *Allansburg* to *St. Catharines*.



Of W. Leslie  
and others.

Of *William Leslie*, and others, inhabitants of *Streetsville* and neighbourhood, praying that the Scriptures may be used as a class book in such Schools as may be established in the Province.

Of J. J. S. D. Moodie  
and others.

Of *J. J. S. Dunbar Moodie*, and others, inhabitants of the Town of

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*Belleville*, and its vicinity, praying that a law may be passed rendering illegal all secret societies and secret meetings.

Of J. Murray  
and others.

Of *James Murray*, and others, inhabitants of the Town of *Belleville* and its vicinity, praying that a law may be passed rendering illegal all secret societies and meetings.

Of W. Moore.

Of *William Moore*, of the City of *Montreal*, Inspector of Beef and Pork, stating that by the Bill now before the House to regulate the inspection of Beef and Pork, Petitioner will sustain great loss, and praying relief.

Of Archdeacon Stuart  
& others.

Of the Very Reverend the Archdeacon *Stuart*, and others, inhabitants of the Town of *Kingston*, praying for the establishment of a Stipendiary Magistracy in the said Town.

Of W. Tanner  
and others.

Of *William Tanner*, and others, inhabitants of the Townships of *Grimsby*, *Gainsborough*, *Clinton* and *Caistor*, praying that the Bill to erect the County of *Haldimand* into a District may not receive the sanction of the Assembly.

Petition of W. Tanner  
and others referred  
to Com. of whole  
on Haldimand District  
Bill.

*Ordered* — That the Petition of *William Tanner*, and others, inhabitants of the Townships of *Grimsby*, *Gainsborough*, *Clinton* and *Caistor*, be referred to the Committee of the whole House on the Bill to erect the County of *Haldimand* into a separate District, by the name of "The District of *Manchester*."

Petition of M.  
McCrea referred to  
Com. of contingencies.

*Ordered* — That the Petition of *Maria McCrea*, be referred to the Special Committee on the Contingent Accounts and Expenses of the present Session.

Com. on Petition of  
J. Glen and others  
report.

The Honourable Mr. *Viger*, from the Special Committee to which was referred the Petition of *Jacob Glen*, *René Boileau*, and others, of *Chambly*, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

For the said Report, see Appendix (U. U.)

Order for House in  
Com. on Message on  
claim of C. Leggo,  
discharged.

On motion of Mr. *Morris*, seconded by Mr. *Cameron*,

*Ordered* — That the Order of the House of *Saturday* last, referring the Message of His Excellency, the Governor General, on the subject of the claim of *Christopher Leggo*, of the Town of *Brockville*, to the Committee of the whole House on the Report of the Special Committee to which was referred the Report of the Commissioners of the Provincial Steam Dredging Machine, be discharged.

Bill to compensate C.  
Leggo brought in.

*Ordered* — That Mr. *Morris* have leave to bring in a Bill to authorize the payment of a certain sum of money to *Christopher Leggo*.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the Bill be read a second time to-morrow.

Member added to  
Com. on Contingen-  
cies.

*Ordered* — That Mr. *Morris*, be added to the Special Committee on the contingent accounts, and other expenses of the present Session.

Address to His  
Excellency to extend  
time for prorogation,  
ordered.

On motion of Sir *Allan MacNab*, seconded by the Honourable Mr. *Dunn*.

*Resolved* — That an humble address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to extend the time for proroguing the present Session of the Provincial Parliament until *Friday* next, to enable this House to get through many important measures, which must otherwise be lost.

*Ordered* — That the said address be presented to His Excellency, by such Members of this House, as are of the Honourable the Executive Council of this Province.

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Message from  
His Excellency.

The Honourable *S. B. Harrison*, one of Her Majesty (sic) Executive Council, delivered to Mr. Speaker a message from His Excellency, the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered, and is as followeth : —

SYDENHAM,

Message recommend-  
ing appropriation in  
aid of Victoria  
College.

The Governor General recommends to the House of Assembly the appropriation of a sum, not exceeding £500, to the Trustees of Victoria College, for the purposes of that Institution.

His Excellency has been given to understand, that without some pecuniary assistance, the objects for which an Act relating to this College was passed during the present Session, cannot be carried into effect and he therefore recommends such appropriation to the consideration of the House.

Government House, 13th September, 1841.

On motion of the Honourable Mr. *Harrison*, seconded by Mr. Attorney General *Ogden*.

*Resolved* — That this House will to-morrow resolved itself into a Committee of supply.

House to go into  
Com. of supply  
to-morrow.

*Ordered* — That the message of His Excellency, the Governor General, on the subject of a grant of £500, to the Victoria College, be referred to the Committee of supply.

Above message  
referred to the  
Committee of supply.

On motion of Mr. *Christie*, seconded by Mr. *Morin*,

*Ordered* — That the Order of the day for taking into consideration the amendments made by the Legislative Council, to the Bill entitled "*An Act to regulate the Fisheries in the District of Gaspé*," be now read.

The Order of the day for taking into consideration amendments made by the Legislative Council to the Bill entitled "*An Act to regulate the Fisheries in the District of Gaspé*," being read,

The House proceeded accordingly to take the said amendments into consideration.

And the said amendments were read, and are as followeth : —

Press 1, Line 28 — After "Majesty" insert "or Her Royal Predecessors."

Press 1, Line 29 — After "Majesty" insert "or Her Royal Predecessors."

Press 1, Line 33 — Before the words "this Province" insert "the late Province of Lower Canada or of."

Press 1, Line 37 — Leave out "domains" and insert "dominions."

Same Line — After "belonging" insert "as well as all other subjects of Her Majesty."

Press 2, Line 5 — Leave out "His" and insert "Her."

Same Line — After "Majesty" insert "or Her Royal Predecessors."

Press 2, Line 9 — Before the words "this Province" insert "the late Province of Lower Canada or of."

Press 2, Line 31 — Before "Bank" insert "fishing."

Press 2, Line 37 — After "as" insert "wilfully."

Press 2, Line 38 — After "be" insert "wilfully."

Press 3, Line 1 — After "destroyed" insert "provided always that no such Nets or Seines as aforesaid, shall be set or used so as to incommode or obstruct the Navigation or anchorage in any Harbour, Roadstead, Cove, or place, necessary for the common purposes of Navigation."

Press 4, Line 18 — Leave out "Justice," and insert "Justices."

Amendments.

Amendments of L.  
Council to Gaspé  
Fisheries Bill  
considered.

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Press 4, Line 31 — Leave out "aforesaid," and insert "whenever the said Court shall be in operation."

Press 4, Line 32 — After "advertisement," insert "in the *English* and *French* Languages."

Press 5, Line 10 — After "Court," insert "or of the fourth division of the Court of Common Pleas aforesaid."

Press 5, Line 34 — Leave out "thirty days," and insert "six months."

Press 6, Line 26 — After "Court," insert "or the fourth division of the Court of Common Pleas aforesaid."

Press 7, Line 3 — After "District," insert "or of the presiding Judge of the fourth division of the Court of Common Pleas aforesaid."

Press 9, Line 12 — Before the first "of," insert "Court."

Amendments  
agreed to.

And the said amendments being again read, they were agreed to by the House.

*Ordered* — That Mr. *Christie*, do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath agreed to their amendments.

On motion of Mr. *Merritt*, seconded by Mr. *Morin*.

House in Com. on  
addressing Her Ma-  
jesty on admitting  
Canadian products  
into Great Britain  
free of duty.

*Resolved* — That this House do now resolve itself into a Committee of the whole House, to consider the draft of an Address to Her Majesty, founded on a Resolution of this House of the 5th of *August* last, on the subject of the free admission of the products of this Province into the Ports of Great *Britain*.

The House accordingly resolved itself into the said Committee.

Mr. *Roblin* took the chair of the Committee.<sup>1</sup>

Mr. *Merritt* brought up his proposed address to Her Majesty, on the subject of admitting our grain into England, duty free.<sup>2</sup>

Sir *Allan MacNab* thought an address, so important, should be referred to a Select Committee — he would have preferred that it should contain some expression of the views of the House on the subject, and that some of the many substantial reasons which exist why the prayer of the petition should be granted, should be stated.<sup>3</sup>

Mr. *Hincks* quite agreed with Sir *Allan*; he thought the petition contained in the address, might have been more forcibly stated — and that it ought to be accompanied with some statistical statement, by which it would be made apparent, that it would not interfere, as was generally believed, to the prejudice of the British agriculturist, and he thought that the prospect of high prices at home rendered this a moment peculiarly auspicious for such a statement.<sup>4</sup>

Mr. *Merritt* had no objection to a Select Committee; the truth was, that the British Government had been addressed over and over again, and the Journals of the House would shew that it has been so since 1834.<sup>5</sup>

Captain *Steele* said that, however often it had been repeated, it would do no harm to repeat it again.<sup>6</sup>

Mr. *Williams* thought it was a half measure. The protection which the English farmer had against any injury we could do him, was the cost of transportation — and the only real advantage which could be given to us, was that the duty now paid in England should be paid here.<sup>7</sup>

Mr. *Durand* spoke, but the House was so impatient that he could not be heard.<sup>8</sup>

Mr. *Neilson* would vote for the address at (sic) it stands, the shorter it was the better, and the more likely to be attended to.<sup>9</sup>

Mr. *Baldwin* made an observation, but he could not be heard.<sup>10</sup>



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and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. *Roblin* reported, that the Committee had passed an humble Address to Her Majesty, which Address was again read at the Clerk's table, and agreed to by the House, and is as followeth : —

“TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN,

We, Your Majesty's dutiful and loyal Subjects, the Legislative Assembly of the Province of *Canada*, in Parliament assembled, humbly beg leave to represent to Your Majesty, that we fully concur in the several Addresses to Your Majesty, by the late House of Assembly of that part of this Province formerly *Upper Canada*, praying for the admission of the products of *Canada* into the Ports of *Great Britain* free from duty, thus placing Your Majesty's Subjects in this Province on equal terms with other portions of Your Majesty's Empire, and establishing a fixed and certain policy, which will promote the mutual prosperity of both this and the Mother Country, and assure our happy connexion for all time to come ; we do therefore most humbly beseech Your Majesty to take again this subject into Your Royal consideration, and recommend to Your Imperial Parliament that this, our humble request, may be complied with.”

*Ordered* — That the said Address be engrossed.

On motion of Mr. *Cartwright*, seconded by Mr. *Morris*,

*Ordered* — That the engrossed Bill from the Legislative Council, intitled “*An Act to regulate the taking of securities in all offices in respect of which security ought to be given, and for avoiding the grant of all such offices, in the event of such security not being given within a limited time after the grant of such office,*” be now read a second time.

The said Bill was accordingly read a second time.

*Ordered* — That the said Bill be read for the third time to-morrow.

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An engrossed Bill to amend the Charter and increase the Capital Stock of the *Gore Bank*, was read for the third time.

Sir *Allan MacNab* moved, seconded by Mr. Solicitor General *Day*,

That the following engrossed Clause, marked A, be added to the said Bill, by way of *Ryder*, and make part thereof : —

(A.)

“And be it enacted, that it shall not be lawful for any stock-holder in the said Bank to transfer any share or shares therein to any person, for the purpose of enabling such person to vote at any election of Directors of the said Bank, or to become a Director thereof, without having *bona fide* transferred such share or shares to such person to and for his absolute use, and subject to no promise, engagement, or undertaking, on the part of such person or persons, to transfer such share or shares, or to hold the same for the benefit of the transferor, or to pay to him directly or indirectly any part of the dividends, profits or proceeds, of such share or shares, or for any person to accept and vote upon any such unlawful transfer, or to act as if he were qualified to be a Director by any such transfer, under a penalty of one hundred pounds, currency, to be recovered from any party making such unlawful transfer, or from the party accepting the same and voting thereon, either in person or by proxy, or acting as a Director as aforesaid, by Civil Action in any Court of competent jurisdiction, by any Stockholder in the said Bank who shall sue for the same : Provided always, that in any such action, either of the parties to such unlawful transfer (not being the Defendant) shall be a competent witness, and compellable to attend in

Address to Her Majesty reported, and agreed to.

Address.

Bill to regulate taking of securities (L. C'l). read 2nd time.

Gore Bank stock increase Bill read 3rd time.

Ryder moved.

Court as such, but shall, if examined as a witness, be thereafter discharged from all liability to any penalty for or by reason of such unlawful transfer, unless a verdict or judgment shall have been previously rendered against him for such penalty : and one moiety of any such penalty shall belong to Her Majesty, for the Public uses of the Province, and the other moiety shall belong to the persons suing for the same."

Carried.

The said Clause being thrice read, and the question of concurrence being put thereon, a division ensued, and it was carried in the affirmative.

Add'l Ryder moved.

Mr. Johnston moved, seconded by Mr. Dunlop,

That the following engrossed clause, marked (B.) be added to the said Bill by way of Ryder, and make part thereof : —

(B.)

"And be it enacted, that nothing in this Act contained shall extend, or be construed to extend, to authorize or empower any Bank, Branch Bank, or Agency, to sue for, recover, demand, receive, or take, any sum or sums of money for or on account of any protest from any drawer, acceptor, or indorser, of any inland Bill of exchange, or from any maker or endorser of any promissory note made and payable within this Province."

Lost.

The question being put upon the said motion, a division ensued, and it passed in the Negative.

Bill passed.

Resolved — That the Bill do pass.

Ordered — That Mr. Thompson do carry the said Bill to the Legislative Council, and desire their concurrence.

Further leave to  
Com. on Election for  
2nd Riding York  
to adjourn.

On motion of Mr. Roblin, seconded by Mr. Hincks,

Ordered — That the Committee appointed to try the merits of the Petitions of divers electors of the 2nd Riding of the County of York, and of Connell James Baldwin, Esquire, complaining of the undue election and return of George Duggan, Esquire, the sitting Member for the said 2nd Riding of the County of York, have leave to adjourn until Saturday, the 18th instant.

Further leave to  
Com. on Niagara  
Election to adjourn.

On motion of Mr. Williams, seconded by Mr. Gilchrist,

Ordered — That the select Committee appointed to try the merits

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of the Petition, of Robert Melville and John McBride, electors of the Town of Niagara, complaining of the undue election and return of Edward Clarke Campbell, Esquire, as member to represent the said Town of Niagara, in the present Parliament, have leave to adjourn until Saturday the 18th instant.

Sir Allan MacNab's Bill for the preventing injustice regarding certain Lower Canada Elections, was the next subject. Sir Allan ((MacNab)) brought up the Report upon this subject, which went to convey an expression of the committee of the injustice done to the Members of Lower Canada, who had lost their elections by violence, &c., and pledging the House to take up the subject in the next Session of Parliament, and also reflecting upon the other branch of the Legislature, for having thrown out the Bill.<sup>11</sup>

Mr. Harrison said he never opposed enquiry — nor should he ever do so ; he wished for any and every investigation into the circumstances alluded to, either now or at any other time. All he objected to, was the illegality of the attempt to unseat Members who had legally and constitutionally taken their seats. He thought the House would, however, best consult its own dignity by omitting that part of the Report which reflected on the other Branch of the Legislature ; if that was erased, he (Mr. Harrison) would not oppose the adoption of the Report ; if that was allowed to remain, he should feel it to be his duty to oppose it.<sup>12</sup>

Sir Allan ((MacNab)) consented to alter the Report in conformity with Mr. Harrison's suggestions....<sup>13</sup>

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Resolution declaring that inquiry shall be made, next session, into the late Elections for Canada East.

On motion of *Sir Allan MacNab*, seconded by *Mr. Buchanan*.

*Resolved — Nemine Contradicente —* That the Special Committee of this House, appointed to search the Journals of the Legislative Council, on the subject of the Bill passed by this House intituled "*An Act for preventing any failure of Justice in respect of complaints of undue elections or Returns of Members of the Legislative Assembly of this Province at the last General election,*" have reported, that the said Bill has been lost in the Legislative Council.

That the petitions referred to in the said Bill contain allegations of the occurrence of outrages of the most aggravated character, and which, if true, are most injurious to the peace of the Country, and in a high degree destructive of the principles of the constitution, and of the freedom of Election, upon which rests the character of this House as being a true Representative of the people.

That this House hold it to be their bounden duty, as the grand Inquest of the Country, and as guardians of the liberties of the people, to institute a public enquiry into the said allegations, in order that, if true, the said occurrences may not in any way take place hereafter, and that remedy be applied in the premises by the authority of this House and of the Legislature.

That this House will proceed to the said enquiry early in the next Session, according to the laws, privileges, and customs, of Parliament.

Chairman of Com. of Supply on Messages on Port Dover Road & L'Orignal Road reports Resolutions.

*Mr. Durand*, from the Committee of supply for Public Improvements, to take into consideration the two several Messages of His Excellency, the Governor General, upon the subject of the *Port Dover* and *Hamilton* Road, and the Military Road in the *Eastern* District, reported, according to order, the Resolutions of the said Committee, which Resolutions were again read at the Clerk's table, and are as followeth : —

1st Resolution :  
£1,500 Ottawa and  
St. Lawrence Road.

*Resolved —* That there be granted to Her Majesty a sum not exceeding fifteen hundred pounds, for the completion of the Military Road, from the *Ottawa*, near *L'Orignal*, to the *St. Lawrence*.

2nd Resolution :  
£30,000, Hamilton  
& Port Dover Road.

*Resolved —* That there be granted to Her Majesty a sum not exceeding thirty thousand pounds, for the formation of a line of Road from *Hamilton* to *Port Dover*.

*Ordered —* That the question of concurrence be now separately put upon the said Resolutions.

1st Resolution carried

And the first of the said resolutions being again read, and the question of concurrence being put thereon, a division ensued, and it was carried in the affirmative.

2nd Resolution put.

The second of the said Resolutions being again read, and the question of concurrence being put thereon, a division ensued, and the names being called for, they were taken down, as followeth : —

## YEAS.

<i>Aylwin,</i>	<i>Gilchrist,</i>	<i>Parke,</i>	<i>Sherwood,</i>
<i>Buchanan,</i>	<i>Harrison, Hon. S.B.</i>	<i>Powell,</i>	<i>Steele,</i>
<i>Burnet,</i>	<i>Hopkins,</i>	<i>Quesnel,</i>	<i>Taché,</i>
<i>Cartwright,</i>	<i>McNab, Sir A.N.</i>	<i>Raymond,</i>	<i>Thompson,</i>
<i>Christie,</i>	<i>McDonald, (Pres.)</i>	<i>Robertson,</i>	<i>Williams,</i>
<i>De Salaberry,</i>	<i>Morin,</i>	<i>Roblin,</i>	<i>Woods,</i>
<i>Durand,</i>	<i>Neilson,</i>	<i>Smith, (Went.)</i>	<i>Yule. — 30.</i>
<i>Foster,</i>	<i>Ogden, Hon. C.R.</i>		

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## NOES.

<i>Baldwin,</i>	<i>Cook,</i>	<i>Merritt,</i>	<i>Thorburn,</i>
<i>Barthe,</i>	<i>Johnston,</i>	<i>Morris,</i>	<i>Viger, Hon. D.B.</i>

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Carried.

Resolutions referred  
to Com. of whole on  
Public Improvements  
Bill.

So it was carried in the Affirmative.<sup>34</sup>

*Ordered* — That the said Resolutions be referred to the Committee of the whole House on the Bill to appropriate certain sums of money for Public improvements in this Province, and for other purposes therein mentioned.

The Order of the day for receiving the Report of the Committee of the whole House on the Bill to repeal certain Acts therein mentioned, and to consolidate the Laws relating to the Provincial duties to be levied on goods, wares, and merchandize, imported into this Province, being read,

Motion to recommit  
Bill to regulate Cus-  
toms Duties.

The Honourable Mr. *Harrison* moved, seconded by Mr. *Parke*, That the said Bill and Report be now recommitted to a Committee of the whole House.

The question having been put upon the said motion a division ensued, and the names being called for they were taken down as followeth : —

#### YEAS.

<i>Cartwright,</i>	<i>Harrison, Hon. S.B.</i>	<i>Morris,</i>	<i>Smith, (Went.)</i>
<i>Child,</i>	<i>Hincks,</i>	<i>Parke,</i>	<i>Steele,</i>
<i>Christie,</i>	<i>Hopkins,</i>	<i>Powell,</i>	<i>Taché,</i>
<i>Day, Hon. C.D.</i>	<i>McNab, Sir A.N.</i>	<i>Raymond,</i>	<i>Thompson,</i>
<i>De Salaberry,</i>	<i>McDonald, (Pres.)</i>	<i>Robertson,</i>	<i>Thorburn,</i>
<i>Durand,</i>	<i>McDonald, (Glen.)</i>	<i>Roblin,</i>	<i>Watts,</i>
<i>Foster,</i>	<i>McLean,</i>	<i>Simpson,</i>	<i>Williams. — 30.</i>
<i>Gilchrist,</i>	<i>Merritt,</i>		

#### NOES.

<i>Aylwin,</i>	<i>Buchanan,</i>	<i>Cook,</i>	<i>Neilson,</i>
<i>Baldwin,</i>	<i>Burnet,</i>	<i>Morin,</i>	<i>Viger, Hon. D.B.</i>
<i>Barthe,</i>			(9).

Carried.

House in Com.  
on the Bill.

So it was carried in the Affirmative.

And the House accordingly resolved itself into the said Committee. Mr. *Aylwin* took the chair of the Committee.<sup>35</sup>

Mr. *Harrison* brought up the measure of Ways and Means, and proposed making an alteration in the duties on tea and sugar. He had been induced to propose those alterations, in consequence of having found, on reflection, that the votes of the House, the last time this subject was under consideration, would reduce the amount of the revenue so much as to be very inconvenient — and he had, therefore, turned his attention to the consideration of what articles would be best enabled to bear an additional tax with the least inconvenience — and he had proposed adding the half-penny on the pound on raw sugar, for, though it would fall upon the lower classes, yet, on comparing the cost of that article in Britain, compared with the price of labour, it was so much higher, that they still would enjoy a great advantage.<sup>10</sup>

Dr. *Dunlop* would prefer adding to the duty on silk and sattins (sic).<sup>17</sup>

Mr. *Holmes* said he was very much averse to throwing any obstacle in the way of the Hon. Secretary's schedule of Ways and Means; but he could not, without doing violence to his own feelings, allow any additional burdens to be imposed upon the poorer classes of society, without raising his voice against it. He admitted the necessity for raising a revenue — indeed he had suggested, as the means of undertaking and completing the improvements in the country, an augmentation of duties; but that augmentation should be imposed, exclusively, on luxuries, not on the necessities of life. We should remember that the poor had few luxuries — the poor were almost (sic) exclusive consumers of raw sugar, therefore, however productive the tax might be, he must resist it. Put the tax on refined sugar — double it — the rich only use that, and the rich could and should be made to pay for their enjoyments. The revenue in contemplation to be raised by this additional half-penny on brown sugar would amount, it was said, to £12,000 or £15,000; a heavy draft on the poorer classes. Why not impose £20,000, if required, upon those who could afford it. Put it in madeira, sherry, and port wines. The rich only need those high priced articles. The thin French, and other low priced wines,

are consumed by the poor also — they can afford no higher rates — but the others could : champagne, for instance, why not put 5s. or 10s. duty per dozen on that, and 2s. 6d. on madeira and port. A tax on articles of luxury, of any and every description, he should support, for the purpose of raising the requisite funds to go on with our Public Works ; those works give employment to the poor, but a tax on that class, come from what quarter it would, he must oppose.<sup>15</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair,

Bill reported  
amended.

And Mr. *Aylwin* reported, that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.Members payment  
Bill read 2nd time.  
Motion to commit  
Bill to-morrow.

A Bill to provide, by Law, for a Sessional Payment of Members of the Legislative Assembly, was, according to order, read a second time.

The Honourable Mr. *Harrison* moved, seconded by Mr. Solicitor *General Day*,

That the said Bill be referred to a Committee of the whole House to-morrow.

The second reading of the bill for the sessional payment of members, elicited from various quarters a tone of abuse....<sup>19</sup>

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The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth : —

YEAS.

<i>Cook,</i>	<i>Dunn, Hon. J.H.</i>	<i>Foster,</i>	<i>Harrison, Hon. S.B.</i>
<i>Daly, Hon. D.</i>	<i>Durand,</i>	<i>Gilchrist,</i>	<i>Hincks,</i>

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<i>Merritt,</i>	<i>Robertson,</i>	<i>Smith, (Fron.)</i>	<i>Thompson,</i>
<i>Parke,</i>	<i>Roblin,</i>	<i>Smith, (Went.)</i>	<i>Thorburn,</i>
<i>Powell,</i>	<i>Simpson,</i>	<i>Steele,</i>	<i>Woods. — 21.</i>
<i>Raymond,</i>			

NOES.

<i>Aylwin,</i>	<i>Christie,</i>	<i>McDonald, (Glen.)</i>	<i>Parent,</i>
<i>Baldwin,</i>	<i>De Salaberry,</i>	<i>McLean,</i>	<i>Quesnel,</i>
<i>Black,</i>	<i>Johnston,</i>	<i>Morin,</i>	<i>Taché,</i>
<i>Buchanan,</i>	<i>McNab, Sir A.N.</i>	<i>Neilson,</i>	<i>Viger, Hon. D.B.</i>
<i>Burnet,</i>			(17).

Carried.

So it was carried in the Affirmative, and —

*Ordered* — Accordingly.Bill to prevent  
circulation of bad  
copper (Leg. Council)  
read 3rd time.

An engrossed Bill from the Legislative Council, intituled "*An Act to prevent the fraudulent manufacture, importation, or circulation of "spurious copper and Brass Coin,"*" was, according to order, read for the third time.

Bill passed.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Hincks* do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath passed the same without any amendment.

House in Com. on  
Common Schools  
Bill.

The Order of the day for the House in Committee on the Bill to repeal certain Acts therein mentioned, and to make provision for the establishment and maintenance of Common Schools throughout this Province, and other references, being read,

The House accordingly resolved itself into the said Committee.

Mr. J. S. MacDonald took the chair of the Committee, and after some time spent therein,<sup>20</sup>

Mr. Speaker resumed the chair,

And Mr. J. S. MacDonald reported, that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

Bill reported amended.

Message from Leg. Council.

A Message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery.

MR. SPEAKER,

The Legislative Council have passed the following Bills, without any amendment : —

Bills passed Legislative Council.

Beef and Pork inspection Bill.

Bill appointing additional Commissioners on late Bank at Kingston.

Bill to extend time for completing Port Dover Harbour.

Bills sent down amended.

Savings Banks Bill.

Flour and Meal Inspection Bill.

Bill for relief of sellers of Estate in Canada W. sent down for concurrence.

*"An Act to regulate the inspection of Beef and Pork."*

*"An Act to appoint additional Commissioners to settle the affairs of the late pretended Bank of Upper Canada, at Kingston."*

*"An Act to extend the time limited by Law, for the construction of the Port Dover Harbour."*

And, also,

The Legislative Council have passed the following Bills, with several amendments, to which they desire the concurrence of the Assembly : —

*"An Act to encourage the establishment of, and regulate, Savings Banks in this Province."*

*"An Act to regulate the inspection of Flour and Meal."*

And, also,

The Legislative Council have passed a Bill, intituled *"An Act to afford relief, in certain cases, to Sellers of Real Estate, in that part*

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*"of this Province formerly Upper Canada,"* to which they desire the concurrence of the Assembly.

And then he withdrew.

Bill read 1st time.

An engrossed Bill from the Legislative Council, intituled *"An Act to afford relief, in certain cases, to Sellers of Real Estate, in that part of this Province formerly Upper Canada,"* was read for the first time.

Message from His Excellency.

*T. W. C. Murdoch*, Esquire, Chief Secretary to His Excellency, the Governor General, was admitted within the Bar, and delivered to Mr. Speaker a Message from His Excellency, the Governor General, signed by His Excellency.

And then he withdrew.

And the said Message was read by Mr. Speaker, all the members of the House being uncovered, and is as followeth : —

SYDENHAM,

Message thanking the House for address of condolence.

The Governor General begs to convey to the House of Assembly the expression of his thanks for their Address of the eighth instant, and to assure them of the gratification he has experienced under the suffering with which he has been afflicted, from the expression of the sympathy of the House.

Government House, }  
13th September, 1841. }

House in Com. on indigent Emigrants' Fund Bill.

The Order of the day for the House in Committee on the Bill to create a fund for defraying the expenses of enabling indigent emigrants to proceed to their place of destination, and of supporting them until they can procure employment, being read,



The House accordingly resolved itself into the said Committee.

Mr. *D. McDonald* took the chair of the Committee, and after some time spent therein,<sup>21</sup>

Mr. Speaker resumed the chair,

Bill reported  
amended.

And Mr. *D. MacDonald* reported, that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

At 5 o'clock, Mr. Speaker declared the House adjourned until 7 o'clock, P. M.

7 o'clock, P. M.

House in Com. on  
repealing Education  
Act of U. C.

The Order of the day for the House in Committee to take into consideration the expediency of repealing an Act of the Legislature of the late Province of *Upper Canada*, passed in the 2d year of Her Majesty's Reign, intituled "*An Act to provide for the advancement of Education in this Province*," being read,

The House accordingly resolved itself into the said Committee.

Mr. *McLean* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Resolution reported.

And Mr. *McLean* reported, that the Committee had come to a Re-

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solution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth : —

Resolution.

*Resolved* — That it is expedient to repeal an Act of the Legislature of the late Province of *Upper Canada*, passed in the 2d year of Her Majesty's Reign, intituled "*An Act to provide for the advancement of Education in this Province*."

Bill to appropriate  
School Funds in Can-  
ada W. brought in.

*Ordered* — That Mr. Roblin have leave to bring in a Bill to make temporary provision for the appropriation of the funds derived from the sale of School Lands in that part of the Province formerly *Upper Canada*, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be read a second time to-morrow.

House in Com. on  
3rd Rep. of Com. on  
Contingencies.

The Order of the day for the House in Committee on the third Report of the Special Committee on the contingent accounts and other expenses of the present Session, and other references, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Buchanan* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Resolutions reported.

And Mr. *Buchanan* reported, that the Committee had come to several Resolutions, which he was directed to submit to the House whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

House in Com. on  
Quebec Trinity House  
Bill, and on Petition  
of Masters of Ships,  
and Pilots on St.  
Lawrence.

The Order of the day for the House in Committee on the Bill to repeal and amend, in part, certain Acts, and a certain Ordinance therein mentioned, and to extend the powers, and increase the funds, of the Corporation of the *Trinity House of Quebec*; and on the Petition of the Masters and Owners of *British Ships* trading to the Port of *Quebec*, and of the Pilots of the River *St. Lawrence*, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Hopkins* took the chair of the Committee and after some time spent therein,

Bill reported  
amended.

Mr. Speaker resumed the chair,  
And Mr. *Hopkins* reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

Remaining Orders  
postponed.

On motion of Mr. *Morin*, seconded by Captain *Steele*,  
*Ordered* — That the Orders of the day that have not been disposed of be postponed until to-morrow, and that they be then the first Orders of the day.

Then on motion of Mr. *Morin*, seconded by the Honourable Mr. *Viger*,

The House adjourned.

Footnotes — 13 September 1841.

1. This debate was reported in identical terms by: MONTREAL GAZETTE, 17 September 1841, and KINGSTON CHRONICLE, 15 September 1841.

2. MONTREAL GAZETTE, 17 September 1841.

3. IBID.

4. IBID.

5. IBID.

6. IBID.

7. IBID.

8. IBID.

9. IBID.

10. IBID.

11. IBID.

12. IBID.

13. IBID. The KINGSTON CHRONICLE, 15 September 1841, also contained the same report of this debate.

14. The BRITISH COLONIST, 22 September 1841, contains a commentary on this division, especially Baldwin's vote. The articles which make up the commentary are copied from the KINGSTON CHRONICLE, and KINGSTON NEWS.

15. The debate on this matter was reported by: BRITISH COLONIST, 22 September 1841; and in identical form by KINGSTON CHRONICLE, 15 September 1841, and MONTREAL GAZETTE, 17 September 1841.

16. MONTREAL GAZETTE, 17 September 1841.

17. IBID.

18. IBID.

19. BRITISH COLONIST, 22 September 1841, which also contains a long and animated commentary on the Bill. LE CANADIEN, 17 September 1841, reported that: "La banquette ministérielle a eu un petit orage à soutenir ... lors de la seconde lecture du bill pour la paie des membres, alors que s'est ((d))évoilé le mystère dont on avait jusque là enveloppé cette affaire. En lisant le bill on s'est aperçu (sic) que l'indemnité des membres qui doit être payée d'abord par le Receveur Général, devra lui être remboursée par les districts municipaux."

20. BRITISH COLONIST, 22 September 1841, which also contains a commentary on the measure.

21. According to the BRITISH COLONIST, 22 September 1841, "the arguments were merely a repetition of those already before the public...."

## Tuesday, 14 September 1841.

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- Petitions brought up.* The following Petitions were severally brought up, and laid on the table : —
- Freeland and Taylor & others. By Mr. *Buchanan* — The Petition of Messrs. *Freeland* and *Taylor*, and others, Soap and Candle Manufacturers, of *Toronto*.
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- C.P. Treadwell, and others. By Mr. Solicitor General *Day* — The Petition of *Charles P. Treadwell*, Esquire, and others, Members of the *Ottawa* District Bible Society; and the Petition of *James Lee*, and others, Members of the Agricultural Society, *Missisquoi*.
- James Lee, & others.
- Niagara District Bank Bill passed. An Engrossed Bill to incorporate sundry persons under the style and title of the President Directors and Company of the Bank of the *Niagara* District, was read for the third time.
- Resolved* — That the Bill do pass.
- Ordered* — That Mr. *Merritt* do carry the said Bill to the Legislative Council, and desire their concurrence.
- Quebec Bank charter extension Bill, passed. An Engrossed Bill to extend the Charter of the *Quebec* Bank, was read for the third time.
- Resolved* — That the Bill do pass.
- Ordered* — That Mr. *Black* do carry the said Bill to the Legislative Council, and desire their concurrence.
- Petition of Freeland and Taylor, & others, read. On motion of Mr. *Buchanan*, seconded by Mr. *Thorburn*.
- Ordered* — That the Petition of Messrs. *Freeland* and *Taylor*, and others, Soap and Candle manufacturers, of *Toronto*, praying that a duty may not be imposed upon Tallow imported from the *United States* be now read, and that the rule of this House of the 28th of *June* last, be dispensed with as to the present Petition.
- The said Petition was read accordingly.
- Petition referred to Com. of whole on Bill for taxing imported produce. *Ordered* — That the said Petition be referred to the Committee of the whole House on the Bill for imposing duties on Agricultural and other Produce, and Stock, imported into this Country from the *United States of America*.
- Com. on collection of Customs in Canada W. report. Mr. *Aylwin*, from the Special Committee appointed to enquire into the manner according to which the Customs are collected, in that part of this Province heretofore *Upper Canada*, by the Provincial Collectors; and also the manner according to which, the moneys collected are accounted for by the Collectors; and also to enquire into any abuses in the collecting and accounting of the Customs, — presented to the House the report of the said Committee, which was again read at the Clerk's table, and is as followeth : —
- For the said Report see Appendix (V. V.)
- Report concurred in. *Resolved* — That this House doth concur with the Special Committee in the said report.



Address to His Excellency to appoint Commissioner on collection of the Customs in Canada West, ordered.

On motion of Mr. Aylwin, seconded by Mr. Thorburn.

*Resolved* — That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to appoint a fit and proper person to be a Commissioner for investigating the mode now adopted in the collection of the revenue in that part of this Province, heretofore *Upper Canada*, for enquiring into any abuses which may exist in the system now pursued, and for suggesting the necessary remedies for removing all existing abuses, and the introduction of a sound and wholesome system.

*Ordered* — That the said Address be presented to His Excellency, by such Members of this House as are of the Honorable the Executive Council of this Province.

Com. on Petition of J. Crooks, report.

Mr. Merritt, from the Select Committee to which was referred the Petition of *James Crooks*, of *West Flamborough*, presented to the House

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the report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

"The Petition having been presented at so late a period of the Session, your Committee are of the opinion, that time will not admit of its receiving that consideration which the importance of the subject merits — and they are of the opinion, it would be injudicious to bring the subject under the consideration of Your Honorable House until the next Session of the Legislature."

Com. on Petition of J. W. Woolsey & others, report.

Mr. Burnet, from the Special Committee to which was referred the Petition of *J. W. Woolsey*, Esquire, and others, of the City of *Quebec*, presented to the House the report of the said Committee, which was again read at the Clerk's table.

For the said Report, See Appendix (N. N.)

200 copies of report to be printed, in each language.

*Ordered* — That 200 copies of the said Report and evidence be printed, in each of the *English* and *French* languages, for the use of the Members of this House.

Com. on Petition of J. E. Turcotte, Esq. report.

Mr. Morin, from the Select Committee to which was referred the Petition of *Joseph Edouard Turcotte*, Esquire, Representative of the County of *St. Maurice*, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

Report.

"Your Committee, after having taken into consideration the Petition of *J. E. Turcotte*, Esquire, the Member representing the County of *St. Maurice*, the evidence given on the contestation of his Election, and all the circumstances under which the contestation was begun, continued, and ended, are unanimously of opinion that the allegations of the Petition are true, and more especially the following : —

That there are manifest contradictions in the evidence given by the Returning Officer, which justified the Petitioner in thinking that this evidence would be utterly rejected, more especially as it had been contradicted by a witness worthy of credit : —

That if the Petitioner brought forward only one witness, he was induced to refrain from bringing others forward solely by the evident and distinctly expressed wishes of the great number of the Members of your Honourable House.

Your Committee have also every reason to believe, that, but for the respect and deference shewn by the Petitioner to the wish expressed as aforesaid by a great number of the Members of your Honourable House, it would have been in his power, not only to contradict by his witnesses (as he had already done by one of them) the evidence of the Returning Officer, but that he could also have established, that far from having sought to withdraw himself from the presence or observance

of the Returning Officer, in order to make the declaration of qualification, he requested that Officer to come with him to the Hustings to bear witness to his taking it, and that this Officer, alleging that he did not understand *English*, directed the Clerk to attend the Petitioner, which he actually did, and that when the declaration was thus made, under the very eyes of the Clerk, who perfectly understood *English*, the Returning Officer asked him whether every thing had been properly done, to which the Clerk answered, all was correct.

Your Committee are also of opinion that the said Returning Officer has himself proved that he was incapable of discharging the important duties which the law imposed on him during the election in question, and that if, as your Honorable House has decided, the Petition of the electors of the County of *St. Maurice*, was not frivolous or vexatious,

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as far as they were concerned, it was certainly so as regarded the Member representing the said County, and your Committee have every reason to believe that the Petition could never have been made if the Returning Officer had been competent to the discharge of his duty.

Your Committee have also to declare, that the Petitioner offered to adduce evidence to prove the truth of the allegations of his Petition, but that your Committee considering, in the first place, that there was no reason for doubting the truth of the said allegations, and then that the expenses to be incurred in bringing witnesses forward, would be as heavy as those already incurred, did not deem it advisable to accept the said offer; your Committee are therefore unanimously of opinion, that your Honourable House will only do an act of justice in granting the prayer of the Petitioner; and considering that your Honourable House has constitutionally the right of paying witnesses summoned to appear at the bar, as well as the costs of summoning them, and that the exercise of this right, supported as it is, by several Precedents, even in cases of contested elections, in the late Province of *Lower Canada*, would, in the present case, be no more than an act of justice, your Committee have therefore unanimously agreed to the following resolution.

*Resolved* — That the accounts of the witnesses summoned by this House to appear at the Bar, and who did, in consequence of being so summoned, appear thereat, on the part of *J. E. Turcotte*, Esquire, on the contestation of his election for the County of *St. Maurice*, and also the expenses incurred in summoning such witnesses, and on the return to such summons, be taxed by the Clerk of this House, and paid by him out of the monies in his hands for defraying contingencies of this House, as soon as such taxation shall have been approved by the Speaker."

*Ordered* — That the said report be referred to a Committee of the whole House at the evening sitting of this day.

On motion of Mr. *Merritt*, seconded by Mr. *Morris*,

*Ordered* — That the Order of the day for the House in Committee on the report of the Special Committee to which was referred the report of the Commissioners of the Provincial Steam Dredging Machine, and other references, be discharged.<sup>1</sup>

Report referred to  
Com. of whole this  
evening.

Order for House in  
Com. on Report on  
Steam Dredge  
discharged.

**Mr. Thorburn** brought up the Report of the celebrated Steam Dredge, that purchased by Mr. Duncombe, requesting payment of a sum of £446, the amount for which the unfortunate Dredge was in debt, after about five years of operation.<sup>2</sup>

**Mr. Merritt** remarked that the only portion of the latter item which would go into the pocket of the member for South Lincoln, was £25 per annum for the trouble he had taken on account of the dredge.<sup>3</sup>

**Mr. Williams** said he was one of the Committee. The Dredge had cost between £4,000 and £5,000; and it was reported by the Engineer, who was consulted, that it would pay for

itself in three or four years —<sup>4</sup> and that it would produce yearly an income of £1200 out of which would go to liquidate the debt incurred by the purchase of, and £500 to the contingent fund.<sup>5</sup> Whereas it had never paid a shilling, and was now £500 in debt, and, he feared, a great deal more; besides that, from the wear and tear, it was reduced in value to almost nothing. He pronounced the whole to have been, like all other public undertakings in the Province, a job, and one of the worst kind.<sup>6</sup> The machine instead of yielding a profit ((had))... been a heavy expense in addition to costing double the sum which it had been estimated at.<sup>7</sup> He did not mean to insinuate that Mr. Thorburn had lent himself to it, or that he was in any way culpable, but he felt it to be his duty to expose to view the transactions connected with the steam dredge, and he was glad that it now became the property of the Board of Works, under whose management, he had no doubt, it would be more useful and profitable.<sup>8</sup>

**Mr. Johnston** proposed that it should be put up at auction and got rid of.<sup>9</sup>

**Mr. Thorburn** explained — the machine he said notwithstanding the exaggerated statements that had been made, after all only cost £3,400 and had proved of the greatest utility.<sup>10</sup>

**Mr. Small** confirmed the statement of Mr. Williams, objected to some of the items, and said he should feel it to be his duty to vote against their being paid. He said the dredge had been hired by Mr. Brown, to deepen the harbour of Port Hope, a harbour belonging to a private Company — and that it had been allowed to sink — and here was a charge of £39 for raising it. He also alluded to several other charges of a like nature.<sup>11</sup>

**Mr. Thorburn** very indignantly repudiated the charge brought up, said Mr. Brown was a very public spirited man, and an example to some of those who had taken part in the discussion. Mr. Thorburn said the dredge had been *submerged by the act of an incendiary*. — (A laugh.)<sup>12</sup>

**Mr. Neilson** said the House was scandalized by such transactions.<sup>13</sup> However creditable the statements might be the country after all would have to pay the expense....<sup>14</sup>

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And Report referred to Com. of supply.

*Ordered* — That the report of the Special Committee to which was referred the report of the Commissioners of the Provincial Steam Dredging Machine, be referred to the Committee of the whole on supply, and other references.

Chairman of Com. on Niagara Election reports absence of certain Members.

**Mr. Williams**, chairman of the Committee appointed to try the merits of the Petition of *Robert Melville* and *John McBride*, electors of the Town of *Niagara*, complaining of the undue election and return of *Edward Clarke Campbell*, Esquire, sitting Member for the said Town of *Niagara*, reported to the House that the said Committee met this morning at 10 o'clock, A. M. pursuant to adjournment, and were unable to proceed to business in consequence of the absence of Messieurs *Hale* and *Chesley*.

Motion for Address to His Excellency to dissolve Parliament.

**Mr. Johnston** moved, seconded by **Mr. Sherwood**,

That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to dissolve the present Parliament, instead of proroguing the same, for the purpose of ascertaining the well known wishes of the electors of the Province of *Canada*, under the new Election Law of the Province.

The question having been put upon the said motion, a division ensued and the names being called for, they were taken down as followeth: —

YEAS.

<i>Aylwin,</i>	<i>Burnet,</i>	<i>Johnston,</i>	<i>Smith, (Went.)</i>
<i>Barthe,</i>	<i>Durand,</i>	<i>McNab, Sir A.N.</i>	<i>Sherwood. — 8.</i>

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NOES.

<i>Black,</i>	<i>Dunn, Hon. J.H.</i>	<i>Moore,</i>	<i>Taché,</i>
<i>Buchanan,</i>	<i>Foster,</i>	<i>Morris,</i>	<i>Taschereau,</i>
<i>Cameron,</i>	<i>Gilchrist,</i>	<i>Neilson,</i>	<i>Thompson,</i>



<i>Campbell,</i>	<i>Harrison, Hon. S.B.</i>	<i>Parent,</i>	<i>Thorburn,</i>
<i>Christie,</i>	<i>Hincks,</i>	<i>Parke,</i>	<i>Viger, Hon. D.B.</i>
<i>Cook,</i>	<i>Hopkins,</i>	<i>Powell,</i>	<i>Williams,</i>
<i>Daly, Hon. D.</i>	<i>Killaly, Hon. H.H.</i>	<i>Raymond,</i>	<i>Woods,</i>
<i>Day, Hon. C.D.</i>	<i>McLean,</i>	<i>Roblin,</i>	<i>Yule. — 35.</i>
<i>Dunlop,</i>	<i>Merritt,</i>	<i>Steele,</i>	

Motion lost.

So it passed in the Negative.

On motion of Mr. *Merritt*, seconded by the Honourable Mr. *Dunn*,

Order referring 2nd  
Report on transit of  
products discharged.

*Ordered* — That the Order of this House of the 26th of *August* last, referring the second Report of the Select Committee appointed to examine into the prices paid, and the methods adopted, for the transit of products on the different communications within this Province, and to which was referred the Message of His Excellency, the Governor General, in answer to the Address of this House of the 14th of *July* last, on the subject of an Address of the House of Assembly of *Upper Canada* relating to the introduction of the products of the Province into the Ports of *Great Britain*, free of duty — to the Committee of the whole House, to take into consideration the Message of His Excellency, the Governor General, relating to public improvements, together with the documents relating thereto — be discharged; and that this House do, to-morrow, resolve itself into a Committee of the whole House on the said report.

Report referred to  
Com. of whole  
to-morrow.

On motion of Mr. *Merritt*, seconded by Mr. *Cameron*,

Address to His  
Excellency to trans-  
mit Address to Her  
Majesty on admitting  
Canadian produce into  
Great Britain free of  
duty, ordered.

*Resolved* — That an humble Address be presented to His Excellency, the Governor General, informing His Excellency that this House hath voted an humble Address to Her Majesty, on the subject of the admission of the products of *Canada* into the Ports of *Great Britain*, free from duty; and praying that His Excellency would be pleased to transmit the said Address to Her Majesty's Government in *England*, to be laid at the foot of the Throne.

*Ordered* — That the said Address be engrossed.

*Ordered* — That the said Address to His Excellency, the Governor General, and also the Address of this House to Her Majesty, be presented to His Excellency by such members of this House as are of the Honourable the Executive Council of this Province.

Motion to take up  
order for House in  
Com. on Report on  
Petition of J. S.  
Baldwin & others.

Sir *Allan MacNab* moved, seconded by Mr. *Buchanan*, for leave to take up the order of the day for the House in Committee on the Report of the Select Committee to which was referred the Petition of *J. S. Baldwin*, and others, citizens of *Toronto*.<sup>15</sup>

Mr. *Harrison* objected to this, other orders of paramount importance preceding it.<sup>16</sup>

Messrs. *Dunn* and *Buchanan* both supported the motion, contending that in point of consequence it was scarcely inferior to any that had hitherto occupied the attention of the house.<sup>17</sup>

Sir *Allan* ((*MacNab* made)) ... some remarks....<sup>18</sup>

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The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth: —

YEAS.

<i>Aylwin,</i>	<i>Dunn, Hon. J.H.</i>	<i>Morin,</i>	<i>Price,</i>
<i>Barthe,</i>	<i>Durand,</i>	<i>Neilson,</i>	<i>Taché,</i>
<i>Black,</i>	<i>McNab, Sir A.N.</i>	<i>Parent,</i>	<i>Viger, Hon. D.B.</i>
<i>Buchanan,</i>			(13).

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NOES.

<i>Burnet,</i>	<i>Hincks,</i>	<i>Parke,</i>	<i>Sherwood,</i>
<i>Cameron,</i>	<i>Hopkins,</i>	<i>Powell,</i>	<i>Steele,</i>
<i>Christie,</i>	<i>Killaly, Hon. H.H.</i>	<i>Raymond,</i>	<i>Thompson,</i>
<i>Cook,</i>	<i>McDonald, (Glen.)</i>	<i>Roblin,</i>	<i>Thorburn,</i>
<i>Day, Hon. C.D.</i>	<i>McLean,</i>	<i>Simpson,</i>	<i>Williams,</i>
<i>Foster,</i>	<i>Moore,</i>	<i>Smith, (Front.)</i>	<i>Woods,</i>
<i>Gilchrist,</i>	<i>Morris,</i>	<i>Smith, (Went.)</i>	<i>Yule. — 30.</i>
<i>Harrison, Hon. S.B.</i>	<i>Ogden, Hon. C. R.</i>		

Motion lost.

So it passed in the Negative.

Chairman of Com. of  
whole on Bill to  
regulate Customs  
Duties, reports  
amendments to Bill.

Mr. *Aylwin*, from the Committee of the whole House on the Bill to repeal certain Acts therein mentioned, and to consolidate the laws relating to the Provincial duties to be levied on goods, wares and merchandize imported into this Province, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table.

*Ordered* — That the question of concurrence be now separately put upon the said amendments.

1st to 18th amend-  
ments agreed to.

And the first to the eighteenth of the said amendments, inclusive, being again severally read, and the question of concurrence being separately put thereon, they were agreed to by the House.

19th amendment put.

The nineteenth of the said amendments being again read, and the question of concurrence being put thereon, a division ensued, and the names being called for, they were taken down as followeth : —

YEAS.

<i>Cameron,</i>	<i>Hincks,</i>	<i>Ogden, Hon. C.R.</i>	<i>Small,</i>
<i>Campbell,</i>	<i>Hopkins,</i>	<i>Parent,</i>	<i>Smith, (Went.)</i>
<i>Daly, Hon. D.</i>	<i>Killaly, Hon. H.H.</i>	<i>Parke,</i>	<i>Steele,</i>
<i>Day, Hon. C.D.</i>	<i>McNab, Sir A.N.</i>	<i>Powell,</i>	<i>Thompson,</i>
<i>Foster,</i>	<i>McLean,</i>	<i>Raymond,</i>	<i>Watts,</i>
<i>Gilchrist,</i>	<i>Merritt,</i>	<i>Simpson,</i>	<i>Woods. — 26.</i>
<i>Harrison, Hon. S.B.</i>	<i>Morin,</i>		

NOES.

<i>Aylwin,</i>	<i>Burnet,</i>	<i>McDonald, (Glen.)</i>	<i>Taché,</i>
<i>Baldwin,</i>	<i>Cook,</i>	<i>Neilson,</i>	<i>Thorburn,</i>
<i>Barthe,</i>	<i>Dunlop,</i>	<i>Roblin,</i>	<i>Viger, Hon. D.B.</i>
<i>Black,</i>	<i>Durand,</i>	<i>Smith, (Fron.)</i>	<i>Yule. — 19.</i>
<i>Buchanan,</i>	<i>Johnston,</i>	<i>Sherwood,</i>	

Carried.

So it was carried in the Affirmative.

20th & 21st amend-  
ments carried.

The twentieth and twenty first of the said amendments, being again severally read, and the question of concurrence being separately put thereon, a division ensued on each, and they were carried in the Affirmative.

22nd amendment put.

The twenty second of the said amendments being read, and the question of concurrence being put thereon, a division ensued, and the names being called for, they were taken down as followeth : —

YEAS.

<i>Baldwin,</i>	<i>Daly, Hon. D.</i>	<i>Gilchrist,</i>	<i>McNab, Sir A.N.</i>
<i>Buchanan,</i>	<i>Day, Hon. C.D.</i>	<i>Harrison, Hon. S.B.</i>	<i>McDonald, (Pres.)</i>
<i>Cameron,</i>	<i>Dunlop,</i>	<i>Hincks,</i>	<i>McDonald, (Glen.)</i>
<i>Campbell,</i>	<i>Durand,</i>	<i>Hopkins,</i>	<i>McLean,</i>
<i>Cartwright,</i>	<i>Foster,</i>	<i>Killaly, Hon. H.H.</i>	<i>Merritt,</i>

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<i>Morin,</i>	<i>Price,</i>	<i>Small,</i>	<i>Steele,</i>
<i>Morris,</i>	<i>Raymond,</i>	<i>Smith, (Fron.)</i>	<i>Thompson,</i>
<i>Ogden, Hon. C.R.</i>	<i>Robertson,</i>	<i>Smith, (Went.)</i>	<i>Thorburn,</i>
<i>Parke,</i>	<i>Roblin,</i>	<i>Sherwood,</i>	<i>Watts. — 38.</i>
<i>Powell,</i>	<i>Simpson,</i>		

## NOES.

<i>Aylwin,</i>	<i>Burnet,</i>	<i>Johnston,</i>	<i>Taché,</i>
<i>Barthe,</i>	<i>Cook,</i>	<i>Neilson,</i>	<i>Viger, Hon. D.B.</i>
<i>Black,</i>			(9).

Carried.

Remaining amendments agreed to.

So it was carried in the Affirmative.

The residue of the said amendments being again severally read, and the question of concurrence being separately put thereon they were agreed to by the House.

The Honourable Mr. *Harrison* moved, seconded by Mr. Attorney General *Ogden*,

That the said Bill, as amended, be engrossed.

Mr. *Merritt* moved, seconded by Mr. *Neilson*,

That all the words after "That" in the said motion be struck out, and the following substituted — "the said Bill be recommitted, for the purpose of appropriating the additional two and one half per cent duty, created by this Bill, exclusively for the repayment of the debt hereafter to be borrowed for the construction of the various Public Works, authorized during the present Session, and for no other purpose."

The question having been put upon the motion of amendment, a division ensued, and the names being called for, they were taken down, as followeth : —

## YEAS.

<i>Aylwin,</i>	<i>Burnet,</i>	<i>Merritt,</i>	<i>Price,</i>
<i>Baldwin,</i>	<i>Christie,</i>	<i>Morin,</i>	<i>Thorburn,</i>
<i>Barthe,</i>	<i>Durand,</i>	<i>Neilson,</i>	<i>Viger, Hon. D.B.</i>
<i>Black,</i>			(14).

## NOES.

<i>Buchanan,</i>	<i>Gilchrist,</i>	<i>McLean,</i>	<i>Simpson,</i>
<i>Cameron,</i>	<i>Harrison, Hon. S.B.</i>	<i>Morris,</i>	<i>Small,</i>
<i>Campbell,</i>	<i>Hincks,</i>	<i>Ogden, Hon. C.R.</i>	<i>Smith, (Fron.)</i>
<i>Cartwright,</i>	<i>Hopkins,</i>	<i>Parke,</i>	<i>Smith, (Went.)</i>
<i>Cook,</i>	<i>Johnston,</i>	<i>Powell,</i>	<i>Steele,</i>
<i>Daly, Hon. D.</i>	<i>Killaly, Hon. H.H.</i>	<i>Quesnel,</i>	<i>Thompson,</i>
<i>Day, Hon. C.D.</i>	<i>McNab, Sir A.N.</i>	<i>Raymond,</i>	<i>Watts,</i>
<i>Dunlop,</i>	<i>McDonald, (Pres.)</i>	<i>Robertson,</i>	<i>Yule. — 35.</i>
<i>Foster,</i>	<i>McDonald, (Glen.)</i>	<i>Roblin,</i>	

Amendment lost.

So it passed in the Negative.

Motion to postpone question till to-morrow.

Motion lost.

Mr. *Aylwin* moved, seconded by Mr. *Christie*,

That the further consideration of the main motion be postponed until to-morrow.

The question having been put, a division ensued, and it passed in the Negative.

Main motion carried.

The question being then put upon the main motion, it was agreed to by the House, and —

*Ordered* — That the said Bill, as amended, be engrossed.

Bill to regulate Customs Duties passed.

An engrossed Bill to repeal certain Acts therein mentioned, and to consolidate the Laws relating to the Provincial duties, to be levied

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on goods, wares, and merchandize, imported into this Province, was read the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That the Honourable Mr. *Harrison* carry the said Bill to the Legislative Council, and desire their concurrence.

Chairman of Com. of whole on Common School Bill, reports amendments to Bill.

Mr. *J. S. MacDonald* from the Committee of the whole House on the Bill to repeal certain Acts therein mentioned, and to make provision for the establishment and maintenance of Common Schools throughout this Province and other references, reported, accordingly to order, the amendments made by the Committee to the said Bill, which amend-



ments were again read at the Clerk's table, and agreed to by the House.

Mr. *Neilson* moved, seconded by Mr. *Christie*,

Motion to expunge  
16th clause of Bill.

That the sixteenth Clause of the said Bill be struck out.

The question having been put upon the said motion a division ensued, and the names being called for, they were taken down, as followeth : —

YEAS.

*Cartwright*, *Neilson*, *Viger*, Hon. D. B. — 3.

NOES.

<i>Baldwin</i> ,	<i>Durand</i> ,	<i>Morris</i> ,	<i>Smith</i> , (Fron.)
<i>Buchanan</i> ,	<i>Foster</i> ,	<i>Parent</i> ,	<i>Smith</i> , (Went.)
<i>Cameron</i> ,	<i>Harrison</i> , Hon. S.B.	<i>Parke</i> ,	<i>Steele</i> ,
<i>Campbell</i> ,	<i>Hincks</i> ,	<i>Powell</i> ,	<i>Taché</i> ,
<i>Cook</i> ,	<i>Hopkins</i> ,	<i>Price</i> ,	<i>Thompson</i> ,
<i>Daly</i> , Hon. D.	<i>McDonald</i> , (Pres.)	<i>Raymond</i> ,	<i>Thorburn</i> ,
<i>Day</i> , Hon. C. D.	<i>McDonald</i> , (Glen.)	<i>Robertson</i> ,	<i>Watts</i> ,
<i>Dunlop</i> ,	<i>McLean</i> ,	<i>Roblin</i> ,	<i>Williams</i> ,
<i>Dunn</i> , Hon. J. H.	<i>Morin</i> ,	<i>Simpson</i> ,	<i>Yule</i> . — 36.

Motion lost.

So it passed in the Negative.

Motion that Bill  
be engrossed.

Mr. Solicitor General *Day* moved, seconded by Mr. *Parke*,

That the said Bill, as amended be engrossed.

Amendment moved.

The Honourable Mr. *Viger* moved in amendment, seconded by Mr. *Barthe*,

That all the words after "That" in the said motion be struck out, and the following substituted "400 Copies of the said Bill be printed in the French and English languages, for the use of the Members of this House."

Lost.

The question having been put upon the motion of amendment, a division ensued, and it passed in the Negative.

Main motion carried.

The question being then put upon the main motion, it was agreed to by the House, and —

*Ordered* — That the said Bill, as amended, be engrossed.

Common School  
Bill passed.

An engrossed Bill to repeal certain Acts therein mentioned, and to make provision for the establishment and maintenance of Common Schools throughout this Province, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. Solicitor General *Day*, do carry the said Bill to the Legislative Council, and desire their concurrence.

Chairman of Com. of  
whole on indigent  
Emigrants fund Bill  
reports amendments  
to Bill.

Mr. *D. McDonald*, from the Committee of the whole House on the Bill for creating a fund for defraying the expense of enabling indigent Emigrants to proceed to their place of destination, and of supporting them until they can procure employment, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Bill engrossed.

*Ordered* — That the said Bill, as amended, be engrossed.

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An engrossed Bill to create a fund defraying the expense of enabling indigent Emigrants to proceed to their place of destination, and of supporting them until they can procure employment was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Parke* do carry the said Bill to the Legislative Council, and desire their concurrence.

Chairman of Com. of whole on Quebec Trinity House Bill, reports amendments to Bill.

Mr. *Hopkins*, from the Committee of the whole House on the Bill to repeal and amend, in part, certain Acts, and a certain Ordinance, therein mentioned, and to extend the powers, and increase the funds, of the Corporation of the *Trinity House of Quebec*, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

*Ordered* — That the said Bill as amended be engrossed.

Bill read 3rd time.

An engrossed Bill to repeal and amend, in part, certain Acts, and a certain Ordinance, therein mentioned, and to extend the powers, and increase the funds, of the Corporation of the *Trinity House of Quebec*, was read for the third time.

Bill passed.

*Resolved* — That the Bill do pass.

*Ordered* — That the Honourable Mr. *Daly* do carry the said Bill to the Legislative Council, and desire their concurrence.

Chairman of Com. of whole on 3rd Report of Com. on contingencies, reports Resolutions.

Mr. *Buchanan*, from the Committee of the whole House on the third Report of the Special Committee on the contingent accounts, and other expenses of the present Session, reported, according to order, the Resolutions of the said Committee, which Resolutions were again read at the Clerk's table, and are as followeth : —

1st Resolution :  
£59 10s. each, to A. Todd and T. Patrick.

*Resolved* — That the sum of fifty nine pounds, ten shillings, be paid to *Alfred Todd*, and the like sum of fifty nine pounds, ten shillings, be paid to *Thaddeus Patrick*, to make their salaries for the past year, as Clerks in the Office of the Clerk of the late Assembly of *Upper Canada*, up to £200.

2nd Resolution :  
£27 10s. to P. A. Weillbrenner.

*Resolved* — That the sum of twenty seven pounds, ten shillings, be paid to *P. A. Weillbrenner* to remunerate him for his services in taking evidence on the Election of *Olivier Berthelot*, Esquire.

3rd Resolution :  
£32 5s, to A. Jobin.

*Resolved* — That the sum of thirty two pounds, five shillings, be allowed to *André Jobin*, Esquire, to remunerate him from his services as Commissioner for taking evidence on the Election of *Olivier Berthelot*, Esquire, in 1833.

4th Resolution :  
£200 to Alpheus Todd, for a certain Parliamentary work.

*Resolved* — That the sum of two hundred pounds currency be paid to *Alpheus Todd*, to remunerate him for his labor and research in compiling "The Practice and Privileges of the two Houses of Parliament."

5th Resolution :  
£894 13s. 11d. to E. Parent, as Law Clerk to Assembly of L. C.

*Resolved* — That the sum of eight hundred and ninety four pounds, thirteen shillings, and eleven pence, be paid to *Etienne Parent*, Esquire, in full of all claims for his services as Law Clerk to the House of Assembly of the late Province of *Lower Canada*.

6th Resolution :  
£10 each to certain Messengers.

*Resolved* — That the sum of ten pounds be paid to each of the undermentioned Messengers, in full of all claims of every description up to the commencement of the present Session ; viz : *Robert Defrie's*, *John Fenwick*, *William Dixon*, *John Kay*, and *Michael McCarthy*.

7th Resolution :  
£120 3s. 8d. to pay certain accounts.

*Resolved* — That the sum of one hundred and twenty pounds, three shillings, and eight pence, be placed in the hands of the Clerk of this House, to enable him to pay the several accounts detailed in the third report of the select Committee on the contingent expenses of the present Session.

*Ordered* — That the question of concurrence be now separately put upon each of the said Resolutions.

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1st to 4th Resolutions agreed to.

And the first to the fourth of the said Resolutions inclusively, being again severally read, and the question of concurrence being separately put thereon, they were agreed to by the House.

5th Resolution put— (£894 13s. 11d. to E. Parent.)

The fifth of the said Resolutions being read.

The Honourable Mr. *Viger* moved, in amendment, seconded by Mr. *Williams*,

Amendment moved (to insert £773 4s. 1½d. instead.)

That the words "eight hundred and ninety four pounds, thirteen shillings, and eleven pence," be struck out of the said Resolutions, and

the words "seven hundred and seventy three pounds four shillings, and one penny half penny," be substituted.

Amendment carried.

The question having been put upon the motion of amendment, a division ensued, and it was carried in the Affirmative.

Resolution as amended, carried.

And the question being put upon the said Resolution, as amended, it was agreed to by the House.

6th and 7th Resolutions agreed to.

The sixth and seventh resolutions being again severally read, and the question of concurrence being separately put thereon, they were agreed to by the House.

Bill to indemnify C. Leggo, read 2nd time.

A Bill to authorize the payment of a certain sum of money to *Christopher Leggo*, was, according to Order, read a second time.

*Ordered* — That the said Bill be engrossed.

Bill read 3rd time.

An engrossed Bill to authorize the payment of a certain sum of money to *Christopher Leggo*, was read for the third time.

Mr. *Morris* moved, seconded by Mr. *Thorburn*, that the Bill do pass.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth : —

#### YEAS.

<i>Black,</i>	<i>Durand,</i>	<i>Killaly, Hon. H.H.</i>	<i>Robertson,</i>
<i>Buchanan,</i>	<i>Foster,</i>	<i>Merritt,</i>	<i>Roblin,</i>
<i>Burnet,</i>	<i>Gilchrist,</i>	<i>Morris,</i>	<i>Sherwood,</i>
<i>Cameron,</i>	<i>Harrison, Hon. S.B.</i>	<i>Powell,</i>	<i>Steele,</i>
<i>Campbell,</i>	<i>Hincks,</i>	<i>Price,</i>	<i>Thompson,</i>
<i>Daly, Hon. D.</i>	<i>Hopkins,</i>	<i>Raymond,</i>	<i>Thorburn. — 24.</i>

#### NOES.

<i>Barthe,</i>	<i>Christie,</i>	<i>Morin,</i>	<i>Viger, Hon. D.B.</i>
<i>Cartwright,</i>	<i>Dunn, Hon. J.H.</i>	<i>Taschereau,</i>	(7).

Bill passed.

So it was carried in the Affirmative.

*Resolved* — accordingly.

*Ordered* — That Mr. *Morris* do carry the said Bill to the Legislative Council, and desire their concurrence.

Bill to regulate taking of security (L. Coun.) passed.

"An engrossed Bill from the Legislative Council, intituled "*An Act to regulate the taking of securities in all offices in respect of which security ought to be given, and for avoiding the grant all such Offices in the event of such security not being given within a limited time after the grant of such Office,*" was, according to order, read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Cartwright* do carry back the said Bill to the Legislative Council, and acquaint their honors that this House hath passed the same without any amendment.

Bill to appropriate School Funds in U. C. read 2nd time.

A Bill to make temporary provision for the appropriation of the funds derived from the sale of School lands in that part of this Pro-

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vince formerly *Upper Canada*, and for other purposes, was, according to order, read a second time.

*Ordered* — That the said Bill be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. *Woods* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

House in Com. on the Bill.

Bill reported amended.

And Mr. *Woods* reported that the Committee had gone through the said Bill and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

*Ordered* — That the report be received to-morrow.



House in Com. on  
Resolutions of L.  
Coun. on Library.

The Order of the day for the House in Committee on the Resolutions of the Legislative Council, relating to the Library of the Legislative Council of the late Province of *Lower Canada*, together with a moiety of books belonging to the Legislature of *Upper Canada*, communicated to this House by Message, on the 29th day of *July* last, and on the instruction given to the said Committee, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Christie* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Resolution reported.

And Mr. *Christie* reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth : —

Resolution.

*Resolved* — That this House doth concur in the Resolution of the Legislative Council passed on the 29th of *July* last, and communicated to this House by Message, recommending the appointment of a joint Committee to enquire into and report to the respective Houses the number of volumes belonging to the late Legislature of *Upper Canada*, and how they may most properly be divided between the two Houses.

*Resolved* — That a Committee of four Members be appointed to carry the said Resolution into effect.

Committee appointed  
on dividing Library  
between the two  
Houses.

*Ordered* — That Mr. *Quesnel*, Mr. *Neilson*, Mr. *Morin* and Sir *Allan MacNab*, do compose the said Committee.

Res. to be communi-  
cated to L. Council.

*Resolved* — That the said Resolution be communicated, by Message, to the Legislative Council, for the information of their Honours.

*Ordered* — That Mr. *Quesnel* do carry the said Message to th Legislative Council.

Mr. *Neilson* moved, seconded by Mr. *Baldwin*,

Motion for an  
instruction to the  
Com.

That it be an instruction to the Committee named on the part of this House to enquire into the expediency of making a selection of such Books as were in the Libraries of the Legislative Council and Assembly of the late Province of *Lower Canada*, as are not necessary to form the Libraries of the Legislative Council and Assembly of the Province of *Canada*, with a view to restore the books so selected, or retain them at *Quebec*, to be preserved in the Library of the late Legislative Assembly there.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth : —

#### YEAS.

<i>Aylwin,</i>	<i>Campbell,</i>	<i>Harrison, Hon. S.B.</i>	<i>Merritt,</i>
<i>Baldwin,</i>	<i>Christie,</i>	<i>Hincks,</i>	<i>Morin,</i>
<i>Barthe,</i>	<i>Cook,</i>	<i>Killaly, Hon. H.H.</i>	<i>Neilson,</i>
<i>Black,</i>	<i>Day, Hon. C.D.</i>	<i>McNab, Sir A.N.</i>	<i>Parent,</i>
<i>Burnet,</i>	<i>Dunn, Hon. J.H.</i>	<i>McDonald, (Pres.)</i>	<i>Parke</i>

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<i>Price,</i>	<i>Ruel,</i>	<i>Taschereau,</i>	<i>Watts,</i>
<i>Raymond,</i>	<i>Small,</i>	<i>Thorburn,</i>	<i>Woods,</i>
<i>Robertson,</i>	<i>Steele,</i>	<i>Viger, Hon. D.B.</i>	<i>Yule. — 34.</i>
<i>Roblin,</i>	<i>Taché,</i>		

#### NOES.

<i>Dunlop,</i>	<i>Johnston,</i>	<i>Moore,</i>	<i>Thompson. — 6.</i>
<i>Foster,</i>	<i>McLean,</i>		

Carried.

So it was carried in the Affirmative, and —

*Ordered* — Accordingly.

House in Com. of  
supply.

The Order of the day for the House in Committee on Supply, and other references, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Taschereau* took the chair of the Committee, and after some time spent therein,

Resolutions reported.

Mr. Speaker resumed the chair,

And Mr. *Taschereau* reported, that the Committee had come to several Resolutions, which he was directed to submit to the House whenever it shall be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

House in Com. on  
Bill to amend Usury  
Laws, (L. Coun.).

The Order of the day for the House in Committee on the engrossed Bill from the Legislative Council, intituled "*An Act to amend the Usury Laws*," being read,

The House accordingly resolved itself into the said Committee.

Mr. *Price* took the chair of the Committee,<sup>10</sup>

Mr. *Johnston* said this Bill was intended to promote a Bank of Issue, which would be in operation this day two years.<sup>20</sup>

Mr. *Baldwin* said this measure had been fully discussed, and as he understood it, the opinion of the House was against it — he should therefore propose that it be deferred to a future Session.<sup>21</sup>

Mr. *Hincks* was really astonished at the conduct of His Hon. friend, (Mr. *Baldwin*;) he had always expressed himself in favour of the abolition of this law, and he very well knew that every enlightened mind ((felt)) ... the same.<sup>22</sup>

Mr. *McLean* designated it as an iniquitous Bill.<sup>23</sup>

Mr. *Cook* said it would ruin half the country.<sup>24</sup>

Dr. *Dunlop* said the Hon. member for Dundas (*Cook*) had raised a phantom of his own brain, which had frightened him out of all propriety.<sup>25</sup>

A division took place on the motion that the Bill be adopted. *Yeas* 27, *Nays* 20.<sup>26</sup>

A long argument followed, in which all the former arguments were repeated for and against the measure; its advocates contending that it would ((be)) the greatest boon to the farmer, and its opponents as broadly stating that it would ruin him, and that all the farms in the country would get into the hands of bankers and others.

The debate continued to a late hour...<sup>27</sup>

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and after some time spent therein,

Mr. Speaker resumed the chair,

Progress reported.

And Mr. *Price* reported, that the Committee had made some progress and had directed him to move for leave to sit again.

*Ordered* — That the said Committee have leave to sit again to-morrow.

Message from  
His Excellency.

The Honourable *S. B. Harrison*, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency, the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the members of the House being uncovered, and is as followeth :—

SYDENHAM,

Message extending  
time for prorogation.

The Governor General has much pleasure in acceding to the wish of the House of Assembly, as expressed in their Address of the 13th instant, that the time for proroguing the present Session of the Provincial Parliament should be extended until *Friday* next, to enable the Legislature to get through the important measures now before them, which must otherwise be lost.

Government House,  
Kingston, 14th September, 1841. }

Another message  
from His Excellency.

The Honourable Mr. Solicitor General *Day*, one of Her Majesty's Executive Council, delivered to Mr. Speaker, a Message from His Excellency, the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the members of the House being uncovered, and is as followeth : —

SYDENHAM,

Message  
recommending grant  
of £925 for Light  
Houses on St. Law-  
rence.

The Governor General recommends to the House of Assembly to make provision to enable the Government to advance the sum of £925

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for the erection of certain Light Houses on the River *St. Lawrence*, to be repaid out of dues on shipping, to be imposed and collected by the *Trinity House of Montreal*.

Government House,  
Kingston, 14th September, 1841. }

At 5 o'clock, Mr. Speaker declared the House adjourned until 7 o'clock, P.M.

7 o'clock, P. M.

House in Com. on  
appropriation for  
Light Houses on  
*St. Lawrence*.

On motion of Mr. Solicitor General *Day*, seconded by Mr. *Parke*.

*Resolved* — That this House do now resolve itself into a Committee of the whole House, to take into consideration the expediency of making provision for advancing the sum of £925 for the erection of certain Light Houses on the River *St. Lawrence*, to be repaid out of dues on Shipping.

The House accordingly resolved itself into the said Committee.

Mr. *Parent* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Resolution reported.

And Mr. *Parent* reported, that the Committee had come to a Resolution, which he was directed to submit to the House whenever it would be pleased to receive the same.

*Ordered* — That the Report be received to-morrow.

House in Com. on  
Message on salaries  
of the two Speakers.

The Order of the day for the House in Committee to take into consideration the subject of the Message of His Excellency, the Governor General, relative to the salaries of the Honourable the Speaker of the Legislative Council, and the Honourable the Speaker of this House, and the salaries of the Officers of both Houses, and other references, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Thorburn* took the chair of the Committee.<sup>28</sup>

On Mr. *Harrison* bringing forward the Supply Bill, the first item was the salary of the Speaker of the Legislative Council, which he proposed should be the same as the Speaker of the House of Assembly. He said he had voted for a lower sum than £1000 per annum, but the House had overruled him and he bowed of course to its decision. They having voted £1000 for the Speaker of one House, he did not see how they could with propriety give less to the Speaker of the Upper House ; he therefore moved that the Speaker's salary should be £1000 per annum.<sup>29</sup>

Mr. *Aylwin* spoke for one hour and forty minutes ; he deprecated, in strong language, the idea of any man in the country holding offices which brought him an income of £2250 — (the salary of the Chancellor being £1250 per annum.) He also objected to the duties of the Vice Chancellor and the Speaker being performed by the same person.<sup>30</sup>

Mr. *Aylwin* was followed by several other Members who took the same view of the question with himself, and many who usually vote with Ministers, also opposed the vote.<sup>31</sup>

((Sir *Allan*)) *MacNab* ... indulged in the most violent personal abuse, directed against the "members on the Treasury Benches."<sup>32</sup>



**Mr. Christie** moved in amendment — “provided the said Speaker hold no other office of emolument under the Crown” — <sup>33</sup>

((This)) was further amended by **Mr. Baldwin** — “and that the salary of said Speaker shall not exceed £1000.” <sup>34</sup>

This ... was carried — yeas 31, nays 14. — As the yeas and nays were not taken we are unable to give all the names of the majority, but as the House remained divided for some time, we jotted down the minority... Messrs. Cartwright, Cameron, Campbell, Day, Daly, Dunlop, Foster, Harrison, Hincks, Killaly, Parke, Simpson, Steele, and Henry Smith. Amongst those who voted for the amendment were Messrs. Buchanan, Small, Hopkins, Thompson, Cook, Dr. Smith, Roblin, Johnston, Baldwin, MacNab, Merritt, &c. <sup>35</sup>

**Messrs. Small, Sir A. MacNab**, and others supported the amendment on the grounds of economy. They thought that by giving the Hon. Vice Chancellor his present salary of £1200, and some other person £1000 as Speaker of the Council, would be a greater saving to the country than if the two offices were combined in one person, and he received both salaries!!! <sup>36</sup>

This was the view taken by **Mr. Small** and some of his Upper Canada friends. <sup>37</sup>

On the other hand, **Messrs. Christie, Quesnel** and others from Lower Canada, supported the amendment because it would have the effect as they said, of preventing any judicial Officer of the land from filling the Hon. Office of Speaker of the Legislative Council. <sup>38</sup>

**Mr. Henry Smith** proposed an amendment to the effect that the Speaker of the Legislative Council should receive the sum of £500 in addition to his salary as Vice Chancellor — <sup>39</sup>

This view was supported by **Mr. Hincks**.... <sup>40</sup>

**Mr. Cartwright** said he supported the original motion and voted against the amendment, because he thought the sum of £1000 each, should be given to the Offices of Speaker of the Legislative Council and Legislative Assembly, no matter who filled them; and that with the public or private salaries of the Gentlemen who filled those Offices, that House had nothing to do. <sup>41</sup>

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and after some time spent therein,

Resolution reported.

**Mr. Speaker** resumed the chair,

And **Mr. Thorburn** reported, that the Committee had come to a Resolution, which he was directed to report to the House, whenever it shall be pleased to receive the same; and, also, that he was directed by the Committee to move for leave to sit again.

Com. to sit again to-morrow.

*Ordered* — That the Report be received to-morrow.

*Ordered* — That the said Committee have leave to sit again to-morrow.

Remaining orders postponed.

On motion of **Mr. Thompson**, seconded by **Mr. Cameron**,

*Ordered* — That the Orders of the day that have not been disposed of, be postponed until to-morrow, and that they be then the first orders of the day.

Then, on motion of the Honourable **Mr. Viger**, seconded by **Mr. Baldwin**,

The House adjourned.

#### Appendix, 14 September 1841.

##### ((Proposed Government Maps.))

**Mr. McLean** proposed that maps of the whole Province, showing roads, bridges, canals, &c. should be made, by order of Government. <sup>42</sup>

**Mr. Harrison** said there was now, he believed, in the room, a new map of the Home District, of a very superior order, by **Mr. Rankin**, a Deputy Surveyor — who had expressed his intention of making maps of all the Districts, should this map be approved of. <sup>43</sup>

## Footnotes — 14 September 1841.

1. The debate following was reported by: BRITISH COLONIST, 22 September 1841; MONTREAL GAZETTE, 18 September 1841.
2. MONTREAL GAZETTE, 18 September 1841.
3. BRITISH COLONIST, 22 September 1841.
4. MONTREAL GAZETTE, 18 September 1841.
5. BRITISH COLONIST, 22 September 1841.
6. MONTREAL GAZETTE, 18 September 1841.
7. BRITISH COLONIST, 22 September 1841.
8. MONTREAL GAZETTE, 18 September 1841.
9. BRITISH COLONIST, 22 September 1841.
10. IBID.
11. MONTREAL GAZETTE, 18 September 1841.
12. IBID.
13. IBID.
14. BRITISH COLONIST, 22 September 1841.
15. This petition referred to the seat of government question.
16. BRITISH COLONIST, 22 September 1841.
17. IBID.
18. IBID.
19. The debate occurring was reported by: MONTREAL GAZETTE, 18 September 1841; EXAMINER, 22 September 1841; BRITISH COLONIST, 22 September 1841. Though the reconstructed debate is not lengthy, the MONTREAL GAZETTE reported that "The Usury Laws... occupied the attention of the House a long time." The bill for repeal of these laws was introduced by Mr. Harrison.
20. MONTREAL GAZETTE, 18 September 1841.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. The debate on this matter was reported by: KINGSTON CHRONICLE, 15 September 1841; EXAMINER, 22 September 1841; MONTREAL GAZETTE, 18 September 1841. All these reports also contain commentaries.
29. MONTREAL GAZETTE, 18 September 1841.
30. IBID.
31. IBID.
32. KINGSTON CHRONICLE, 15 September 1841.
33. IBID.
34. IBID.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. MONTREAL GAZETTE, 18 September 1841.
43. IBID. Mr. McLean presented his request as an official motion the next day, 15 September 1841. See JOURNALS, p. 601.

**Wednesday, 15 September 1841.**

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Petition of R. McGill and others brought up.

Mr. Campbell brought up the Petition of *Robert McGill*, and others of the Town of *Niagara*, in the District of *Niagara*, which was laid on the table.

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Com. on Petition of A. M. Farewell and others present report and Bill.

Mr. Small, from the Special Committee, to which was referred the Petition of *A. M. Farewell*, *Abram Butterfield*, and others, of the Townships of *Whitby* and *Darlington*, and other references, with power to report by Bill or otherwise, presented to the House the report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

Report.

"Your Committee have attentively examined the claims of both Petitions, which are for acts of incorporation for constructing Harbors at the mouths of *Black's* and *Annis's* Creeks, respectively, as also the report of the Engineer ordered by the Executive Government to survey each site, and are of opinion that it is inexpedient, at present, to incorporate both Companies, from the contiguity of each Harbor, being not much over a quarter of a mile distant from each other. From the report of the Engineer above referred to, it appears to your Committee that it would be most advisable to grant the prayer of the Petition of *John B. Warren*, and others — they have therefore prepared a Bill to incorporate a Company to construct a Harbor at the mouth of *Annis's* Creek, which they report herewith."

Sydenham Harbor Bill brought in.

Mr. Small, then presented a Bill to incorporate certain persons, therein named, under the style and title of the *Sydenham Harbour Company*, which was received, and read for the first time.

*Ordered* — That the said Bill be read a second time to-morrow.

Com. on Petition of A. McDonell report.

Mr. Simpson, from the Select Committee to which was referred the Petition of *Allan McDonell*, of *St. Andrew's*, in the Township of *Cornwall*, presented to the House the report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

Report.

"Your Committee have considered the said Petition, and recommend a compliance with the prayer thereof, viz : the opening of a road from *Coteau du Lac*, to the road called *Dundas* street, leading through the sixth Concession of *Lancaster*, in the *Eastern* District, where the River *Beaudette* crosses the line formerly dividing the Provinces of *Upper* and *Lower Canada*; but the great accumulation of business before your Honourable House, at this late period of the Session, presents too many obstacles, rendering it impossible to give effect to the measure, by Bill, this Session.

They therefore beg leave to recommend that all action in the matter be suspended, but that a Bill be admitted at the next Session of the Legislature, to carry the object desired into effect."

Com. on Petition of S. McKenzie and others report.

Mr. Durand, from the Special Committee, to which was referred the Petition of *Simon McKenzie*, *Thomas G. Chapman*, and others, of the District of *Gore*, presented to the House the report of the said Committee, which was again read at the Clerk's table, and is as followeth : —



Report.

"Your Committee have carefully considered the prayer of the said Petitioners, and after an attentive perusal of various Official documents, and from evidence heard before them, find that the case is not yet decided upon by the Executive Government; but from the evidence given by several Members of the Government, your Committee are led to expect that the case will be brought to a speedy issue.

Your Committee under the circumstances, can, at the present, make no further report in the case; but leave the matter in the hands of the Executive, fully trusting that ample justice will be done to the Petitioners, whose case is evidently one of great hardship, and one that requires that no delay may be suffered to take place in bringing it to a speedy conclusion."

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Address to His Excellency for inquiry into abuses in administration of Justice in Gaspé.

On motion of Mr. *Christie*, seconded by Mr. *Parent*.

*Resolved* — That an humble address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause enquiry to be made, whether any, and what abuses exist in the administration of justice in the Inferior District of *Gaspé*, rendering reform in the judicature thereof necessary.

*Ordered* — That the said address be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council of this Province.

Bill for payment of Members to be the 1st item to day.

On motion of Mr. *Aylwin*, seconded by Mr. *Buchanan*,

*Ordered* — That the Order of the day for the House in Committee on the Bill to provide by law for a sessional payment to members of the Legislative Assembly, be the first order of the day after receiving reports of Committees of the whole House.

Motion for Address to His Excellency to have a map of Canada compiled.

Mr. *McLean* moved, seconded by Mr. *Christie*,

That an humble address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to direct the proper officer to compile a map of *Canada*, for the use of the various District officers, in the proportion of two to each District; and that this House will defray the necessary expenses of the same, at its next Session.

Motion lost.

The question having been put upon the said motion, a division ensued, and it passed in the Negative.

Motion to stay proceedings of Commission on election for 2nd Riding of York.

Mr. *Aylwin* moved, seconded by Mr. *Parent*,

That the Commission appointed to take evidence upon the contested election and return of *George Duggan*, Esquire, the sitting member for the 2d Riding of the County of *York*, be enjoined to forbear further proceedings from and after *Friday* next, until the next meeting of Parliament.

Motion lost.

The question having been put upon the said motion, a division ensued, and it passed in the Negative.

Amendments of L. Coun. to Flour and Meal Inspection Bill considered.

On motion of Mr. *Merritt*, seconded by Mr. *Gilchrist*,

*Ordered* — That the amendments made by the Legislative Council to the Bill intituled "*An Act to regulate the Inspection of Flour and Meal*," be now taken into consideration.

The House proceeded accordingly to take the said amendments into consideration,

Amendments.

And the said amendments were read, and are as followeth:—

Press 1, Line 2 — Leave out from "in" to "*Canada*," inclusively in the 3d line, and insert "in the different sections of the Province."

Press 2, Line 9 — After "meal," insert "and a certain Act of the Legislature of the Province of *Upper Canada*, passed in the 41st year of the reign of His Majesty King GEORGE the Third, intituled '*An Act to authorize the Governor, Lieutenant Governor, or Persons Administering the Government, to appoint Inspectors of Flour, Pot, and Pearl Ashes, within this Province*,' and a certain other Act of the said Legislature, passed in the 60th year of the Reign of His Majesty King

GEORGE the Third, intituled '*An Act to amend and extend the provisions of an Act passed in the 41st year of His Majesty's Reign, entitled "An Act to authorize the Governor, Lieutenant Governor, or Person Administering the Government, to appoint Inspectors of Flour, Pot, and Pearl Ashes, within this Province."*

Press 3, Line 5 — Leave out "or Hamilton."

Press 10, Line 6 — Leave out "to."

Press 11, Line 13 — Leave out "and," and insert "or."

Press 13, Line 18 — Leave out "the same," and insert "any mark

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or marks purporting to be the mark or marks of the Inspector, or of the manufacturer or packer, either with the proper marking tools of such Inspector, Manufacturer or packer, or with counterfeit representations thereof."

Press 13, Line 27 — After "marks," insert "and if any person in the employ of any manufacturer or packer of Flour and Meal, shall hire or loan out the marks of his employer to any person whosoever, or shall connive at, or be privy to, any fraudulent evasion of the provisions of this Act."

Amendments  
agreed to.

And the said amendments being again read, they were agreed to by the House.

*Ordered* — That Mr. Merritt, do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath agreed to their amendments.

On motion of the Honourable Mr. Harrison, seconded by Mr. Quesnel,

Amendments of  
L. Coun. to Savings  
Banks Bill  
considered.

*Ordered* — That the amendments made by the Legislative Council to the Bill intituled "*An Act to encourage the establishment of, and regulate, "Savings Banks in this Province,"*" be now taken into consideration.

The House proceeded, accordingly, to take the said amendments into consideration.

Amendments.

And the said amendments were read, and are as followeth: —

Press 1, Line 22 — Leave out from "their" to "administrators" in the 23rd line, inclusively.

Press 1, Line 26 — Leave out "their executors or administrators."

Press 3, Line 8 — Leave out "and their representatives."

Press 4, Line 5 — Leave out from "their" to "administrators" in the 6th line inclusively.

Press 4, Line 49 — After "their" insert "heirs."

Press 4, Line 50 — Leave out "and" insert "curators."

Press 4, Line 50 — After "assigns" insert "or other legal representatives."

Press 5, Line 32 — Leave out from "and" to "estate" in the 42nd line inclusively, being the *eighth* clause of the Bill.

Press 5, Line 43 — Leave out the 9th clause, and insert in lieu thereof,

#### CLAUSE A.

"And be it enacted, that all property, rights, titles, privileges, and immunities, which shall arise or accrue to any person or persons under this Act, shall pass and descend to the heirs, executors, administrators, or assigns, of such person or persons, or to the curator of the estate, or other legal representative of such person or persons, according to the law of the part of the Province relating to real estate in which any such Savings Bank shall or may be established.

Press 7, Line 8 — Leave out "or recognized."

Amendments  
agreed to.

And the said amendments being again read, they were agreed to by the House.

*Ordered* — That the Honourable Mr. *Harrison*, do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath agreed to their amendments.

On motion of Mr. *Merritt*, seconded by Mr. *Neilson*.

*Resolved* — That this House do now resolve itself into a Committee of the whole House, on the second report of the Select Committee appointed to examine into the prices paid, and methods adopted, for the transit of products on the different communications within this Province; and to whom was referred the message of His Excellency, the Governor General, in answer to the address of the House of the 14th of July last, on the subject of an address of the House of Assembly of

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*Upper Canada*, relating to the introduction of the products of the Province into the ports of Great Britain free of duty.

The House accordingly resolved itself into the said Committee.

Mr. *Gilchrist*, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. *Gilchrist*, reported that the Committee had come to several Resolutions, which he was directed to submit to the House whenever it shall be pleased to receive the same.

*Ordered* — That the report be received to-morrow.

On motion of Mr. *Cartwright*, seconded by Mr. *McLean*.

*Ordered* — That the engrossed Bill from the Legislative Council, intituled "*An Act to afford relief, in certain cases, to sellers of real estate in that part of this Province formerly Upper Canada*," be now read a second time.

The said Bill was accordingly read a second time.

Mr. *Williams*, chairman of the Committee appointed to try the merits of the Petition of *Robert Melville* and *John McBride*, electors of the Town of *Niagara*, complaining of the undue election and return of *Edward Clarke Campbell*, Esquire, sitting member for the said Town of *Niagara*, reported to the House that the said Committee met this morning at 10 o'clock A. M., pursuant to adjournment, and were unable to proceed to business in consequence of the absence of Messrs. *Hale* and *Chesley*.

On motion of Mr. *Small*, seconded by Mr. *Hopkins*,

*Ordered* — That the Committee appointed to try the merits of the Petition of *Robert Melville* and *John McBride*, electors of the Town of *Niagara*, complaining of the undue election and return of *Edward Clarke Campbell*, Esquire, sitting Member for the said Town of *Niagara*, be directed to proceed with the trial thereof, notwithstanding the absence of Messrs. *Hale* and *Chesley*, Members of the said Committee, who have obtained leave of absence from this House.

A message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery.

MR. SPEAKER,

The Legislative Council have passed the following Bills without any amendment.

"*An Act to secure to, and confer upon Lewis Lyman, an Inhabitant of this Province, the Civil and Political Rights of a natural born British subject.*"

"*An Act to facilitate the negotiation of a loan in England, and for other purposes therein mentioned.*"

"*An Act for levying a certain rate, or duty, on Bank Notes, issued and in circulation in this Province.*"

"*An Act to impose a duty upon Distilleries, in that part of the Province heretofore called Lower Canada.*"

House in Com. on  
2nd Report of Com.  
on transit of products.

Resolutions reported.

Bill for relief of  
sellers of land in  
Canada W. (L. Coun.)  
read 2nd time.

Com. on Niagara  
Election report  
absence of two  
members.

Committee directed to  
proceed without  
Messrs. Hale and  
Chesley.

Message from  
L. Council.

Bills passed  
L. Coun.

Bill to naturalize  
L. Lyman.

Loan Bill.

Bank note duty Bill.

Distilleries duty Bill.



Supply Bill.

"An Act to grant certain sums, therein mentioned, to Her Majesty, towards defraying the expenditure of the Civil Government, for the year ending, the 31st day of December one thousand eight hundred and forty one."

Auction duty Bill.

"An Act to make certain alterations in the laws, relative to the duty upon sales of property by auction."

Bill to continue certain Acts.

"An Act to continue, for a limited period, the certain Acts therein mentioned."

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Bill for recovery of small debts in Canada East.

"An Act to provide for the more easy and expeditious administration of Justice in civil cases, and matters involving small pecuniary value, in that part of this Province heretofore Lower Canada."

And then he withdrew.

Chairman of Com. of whole on Bill for appropriation of School Funds in Canada W., reports amendments to Bill.

Mr. Woods, from the Committee of the whole House on the Bill to make temporary provision for the appropriation of the funds derived from the sale of School Lands, in that part of the Province formerly *Upper Canada*, and for other purposes, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

*Ordered* — That the said Bill, as amended, be engrossed.

An engrossed Bill to make temporary provision for the appropriation of the funds derived from the sale of School Lands in that part of the Province, formerly *Upper Canada*, and for other purposes, was read for the third time.

Bill passed.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. Roblin do carry the said Bill to the Legislative Council, and desire their concurrence.

Chairman of Com. of supply reports Resolutions :

Mr. Taschereau, from the Committee on Supply, and other references reported, according to order, the Resolutions of the said Committee, which Resolutions were again read at the Clerk's table, and are as followeth : —

1st Resolution :  
£500 to Trustees of Victoria College.

*Resolved* — That there be granted to Her Majesty a sum not exceeding five hundred pounds, for the purpose of affording pecuniary aid to the Trustees of *Victoria College*.

2nd Resolution :  
£447 4s. 2d. to D. Thorburn, Esq. Steam Dredge Commissioner.

*Resolved* — That there be granted to Her Majesty the sum of four hundred and forty seven pounds, four shillings and two pence, to enable Her Majesty to pay the like sum to *David Thorburn*, Esquire, acting Commissioner of the Provincial Steam Dredge for the late Province of *Upper Canada*, in order that he may pay the following sums due to the undermentioned persons, for and on account of the said Dredge, as per report of Select Committee.

Messieurs	<i>Lyon and Howard</i> .....	£125	0	0
	<i>Jacob Randal</i> .....	29	9	3
	<i>Joseph Aniseth Shleenon</i> .....	13	14	9
	<i>David Thorburn</i> .....	112	15	7
	<i>Francis Hall</i> .....	15	0	0
	The <i>Port Hope Harbour Co.</i> for raising the Dredge from under water .....	39	4	7
	The Commissioner, for his services to the present date .....	112	0	0

*Ordered* — That the question of concurrence be now separately put upon the said Resolutions.

1st Resolution carried.

And the first of the said Resolutions being again read, and the question of concurrence being put thereon, it was agreed to by the House.

2nd Resolution put.

The second of the said Resolutions being again read,  
Mr. Small moved, seconded by Mr. D. McDonald,

Amendment moved.

That the words "The *Port Hope* Harbor Company, for raising the Dredge from under water, £39 4s. 7d.," be struck out of the said Resolution.

Mr. Small ((said)) ... the claim in his opinion ((was)) not ... a justifiable one.<sup>1</sup>

Mr. Williams was of the same sentiments, contending, that the company were deeply indebted to the government.<sup>2</sup>

Mr. Thorburn spoke very warmly on the occasion, calling upon the house at large to prove a single instance of his having acted but with the strictest honour. The hon. member was lavish in his praise of Mr. Brown, who he considered entitled to every credit for his spirited exertions in making a secure harbour out of what had been heretofore, a mere pond, which ducks could scarcely swim in.<sup>3</sup>

(604)

Amendment lost.

The question having been put upon the said motion, a division ensued, and it passed in the Negative.

Resolution agreed to.

The question being then put upon the said second Resolution, it was agreed to by the House.

(605)

Bill to make a grant to Victoria College brought in.

*Ordered* — That the Honourable Mr. Harrison have leave to bring in a Bill to grant a certain sum of money as an aid to the *Victoria* College.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

*Ordered* — That the said Bill be now read a second time.

Bill read 2nd time.

The said Bill was accordingly read a second time.

*Ordered* — That the said Bill be engrossed.

Bill to pay a certain sum on account of the Steam Dredge, brought in.

*Ordered* — That the Honourable Mr. Harrison have leave to bring in a Bill to appropriate a sum of money to defray certain expenses relative to the Provincial Steam Dredge, of *Upper Canada*, and for other purposes relative to the said Steam Dredge.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

Bill read 2nd time.

*Ordered* — That the said Bill be now read a second time.

The said Bill was accordingly read a second time.

*Ordered* — That the said Bill be engrossed.

Chairman of Com. of supply on grant for Light Houses on St. Lawrence reports Resolution.

Mr. Parent, from the Committee of the whole House to take into consideration the expediency of making provision for advancing the sum of nine hundred and twenty five pounds, for the erection of certain Light Houses on the River *St. Lawrence*, to be repaid out of dues on Shipping, reported, according to order, the Resolution of the said committee, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth : —

Resolution granting £925, to erect Light Houses on St. Lawrence.

*Resolved* — That it is expedient to make provision for advancing the sum of nine hundred and twenty five pounds for the erection of certain Light Houses on the River *St. Lawrence*, to be repaid out of dues on Shipping, to be imposed and collected by the *Trinity* House of *Montreal*.

Bill for erection of Light Houses on St. Lawrence brought in.

*Ordered* — That the Honourable Mr. Harrison have leave to bring in a Bill to provide for the construction of certain Light Houses, and Lights within the Port of *Montreal*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

*Ordered* — That the said Bill be read a second time at the evening sitting of this day.

Chairman of Com. of whole on message on salaries of Speakers reports Resolution.

£1,000, salary of Speaker of L. Coun. (conditional.)

Motion to recommit Report.

Amendment moved—to concur in Resolution.

Amendment carried.

Resolution agreed to.

Order for House in Com. on Bill for payment of Members discharged.

Order of day for House in Com. on Message on salary of Speaker, &c. read.

Instruction to Com.

House in Committee.

Mr. *Thorburn*, from the Committee of the whole House to take into consideration the subject of the Message of His Excellency, the Governor General, relative to the salaries of the Honourable the Speaker of the Legislative Council, and the Honourable the Speaker of this House, and the salaries of the officers of both Houses, and other references, reported, according to order, the Resolution of the said Committee, which Resolution was again read at the Clerk's table, and is as followeth : —

*Resolved* — That a sum not exceeding one thousand pounds, currency, be granted to Her Majesty, to defray the salary of the Speaker of the Legislative Council, for one year, provided he hold no other place of profit or emolument under the crown ; or if he hold any such office, the salary of which shall be less than one thousand pounds per annum, then, such sum of money as shall, with the salary of such other office, together amount to one thousand pounds.

The Honourable Mr. *Harrison* moved, seconded by Mr. *Parke*, That the report be not now concurred in, but that the same be now recommitteed, for the purpose of voting an indemnity to the Speaker of the Legislative Council for the present session.

Mr. *Aylwin* moved, in amendment, seconded by Mr. *Buchanan*,

That all the words after "That" in the said motion be struck out,

(606)

and the following substituted, — "this House doth concur with the Committee in the said resolution."

The question having been put upon the motion of amendment, it was agreed to unanimously.

The question being then put upon the main motion, as amended, it was also agreed to, and —

*Resolved* — Accordingly.

The Order of the day for the House in Committee on the Bill to provide, by law, for a sessional payment to members of the Legislative Assembly, being read,

*Ordered* — That the said Order of the day be discharged.

The Order of the day for the House in Committee to take into consideration the subject of the Message of His Excellency, the Governor General, relative to the salaries of the Honourable the Speaker of the Legislative Council and the Honourable the Speaker of this House, and the salaries of the officers of both Houses, and other references, being read,

On motion of the Honourable Mr. *Harrison*, seconded by Mr. Solicitor General *Day*,

*Ordered* — That it be an instruction to the said Committee to consider of a sessional sum, as an indemnity to members of the Legislative Assembly for their services during the present session, as recommended by the Message of His Excellency, the Governor General on that subject.

The House then resolved itself into the said Committee.

Mr. *Gilchrist* took the chair of the Committee.<sup>4</sup>

It was again broadly stated, that unless the expression of the previous evening was repeated, the country would, on a change of Government, see either the Chief Justice, or one of the Judges of the Court of King's Bench, in the office of Speaker of the Legislative Council, an appointment at variance with what the House seemed fully to agree was incompatible with the well-being of the country....<sup>5</sup>

Mr. *Harrison* gave way, and said he would submit a mode of procedure, which he thought might be acceptable to all parties. He would propose that the question of the indemnity to the Speaker should go amongst the appropriations for the present year, with that of the Indemnity to Members, when the House might vote whatever sum they pleased as a compensation to the Speaker.<sup>6</sup>



This announcement was received with great cordiality, and **Mr. Aylwin** complimented **Mr. Harrison** on the occasion.<sup>7</sup>

The House proceeded with great harmony, and allowed the Speaker, as an indemnity for this session, £500, with a distinct understanding, that should the office be held another session by any person whose salary should be £1,000 per annum, he should derive no remuneration for the performance of duty as Speaker.<sup>8</sup>

**Sir Allan MacNab** ... opposed the plan proposed by **Mr. Harrison**.<sup>9</sup>

**Mr. Aylwin** in the course of his observation, said that as now it was impossible that any change could be made in the Government arrangements during the session ... that it was desirable they should all unite and finish the business which remained to be done, with as much celerity as possible...<sup>10</sup>

((These remarks)) were loudly cheered by all parties.<sup>11</sup>

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and after some time spent therein,

**Mr. Speaker** resumed the chair,

Resolutions reported.

And **Mr. Gilchrist** reported that the Committee had come to several resolutions which resolutions, were again read at the Clerk's table; and agreed to by the House, and are as followeth:—

1st Resolution :  
£500 to Speaker of  
Leg. Council.

*Resolved* — That a sum not exceeding five hundred pounds, be granted to Her Majesty, to enable Her to pay that sum as indemnity to the Honourable the Speaker of the Legislative Council, for the expenses by him incurred during the current year.

2nd Resolution :  
£500, salary of Clerk  
of Leg. Council.

*Resolved* — That a sum not exceeding five hundred pounds, currency, be granted to Her Majesty, to defray the salary of the Clerk of the Legislative Council, for one year.

3rd Resolution :  
£700, two Clerks As-  
sistant, Leg. Council.

*Resolved* — That a sum not exceeding seven hundred pounds, currency, be granted to Her Majesty, to defray the salaries of two Clerks Assistant, to the Legislative Council, for one year, at the rate of three hundred and fifty pounds each.

4th Resolution :  
£250, Clerk of Com-  
mittees, &c., L. Coun.

*Resolved* — That a sum not exceeding two hundred and fifty pounds, currency, be granted to Her Majesty to defray the salary of the Clerk of Committees, to act also as Law Clerk and *English* translator, of the Legislative Council for one year.

5th Resolution :  
£100, Master in  
Chancery.

*Resolved* — That a sum not exceeding one hundred pounds, currency, be granted to Her Majesty, to defray the salary of one master in Chancery for one year.

6th Resolution :  
£100, Gent. Usher  
of Black Rod.

*Resolved* — That a sum not exceeding one hundred pounds, currency, be granted to Her Majesty, to defray the salary of the Gentleman Usher of the Black Rod, for one year.

7th Resolution :  
£100, Serg't at Arms,  
Leg. Council.

*Resolved* — That a sum not exceeding one hundred pounds, currency, be granted to Her Majesty, to defray the salary of the Serjeant-at-Arms to the Legislative Council for one year.

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8th Resolution :  
£200, Chaplain and  
Librarian, L. Coun.

*Resolved* — That a sum not exceeding two hundred pounds, currency, be granted to Her Majesty, to defray the salary of a Chaplain, to act also as Librarian, to the Legislative Council, for one year.

9th Resolution :  
£60, Door-keeper,  
Leg. Council.

*Resolved* — That a sum not exceeding sixty pounds, currency, be granted to Her Majesty, to defray the salary of the Door-keeper to the Legislative Council for one year.

10th Resolution :  
£100, Head Messen-  
ger, Leg. Council.

*Resolved* — That a sum not exceeding one hundred pounds, currency, be granted to Her Majesty to defray the salary of the Head Messenger to the Legislative Council, for one year.

11th Resolution :  
£135, Three Messen-  
gers, Leg. Council.

*Resolved* — That a sum not exceeding one hundred and thirty-five pounds, currency, be granted to Her Majesty to defray the salary of three Messengers to the Legislative Council, for their services during the

12th Resolution :  
£1,000, Speaker of  
Assembly.

13th Resolution :  
£500, Clerk of  
Assembly.

14th Resolution :  
£400, Assistant Clerk  
of Assembly.

15th Resolution :  
£350, English Trans-  
lator and Law Clerk,  
of Assembly.

16th Resolution :  
£250, French Trans-  
lator, of Assembly.

17th Resolution :  
£100, Serg't at Arms  
of Assembly.

18th Resolution :  
£150, Clerk of  
Crown in Chancery.

19th Resolution :  
£393 6s. 8d., Pen-  
sion of W. Smith.

20th Resolution :  
£266 13s. 4d. Pen-  
sion of C. DeLéry,  
Senior.

21st Resolution :  
£166 13s. 4d., Pen-  
sion of Jacques Voyer.

22nd Resolution :  
£66 13s. 4d., Pension  
of W. Ginger.

23rd Resolution :  
£20, Pension of  
L. Noreau.

24th Resolution :  
£66 13s. 4d., Pen-  
sion of L. B. Pinguet.

25th Resolution :  
£133 6s. 8d., Pension  
of D. Jardine.

26th Resolution :  
£133 6s. 8d., Pension  
of W. Coates.

present session, and eight days after its close at the rate of forty-five pounds each.

*Resolved* — That a sum not exceeding one thousand pounds, currency, be granted to Her Majesty, to defray the salary of the Speaker of the House of Assembly for one year, provided he hold no other place of profit or emolument under the Crown.

*Resolved* — That a sum not exceeding Five hundred pounds, currency, be granted to Her Majesty, to defray the salary of the Clerk of the House of Assembly, for one year.

*Resolved* — That a sum not exceeding Four hundred pounds, currency, be granted to Her Majesty, to defray the salary of the Assistant Clerk to the House of Assembly, for one year.

*Resolved* — That a sum not exceeding Three hundred and fifty pounds, currency, be granted to Her Majesty, to defray the salary of the *English* Translator, and who is to perform the duties of Law Clerk, to the House of Assembly, for one year.

*Resolved* — That a sum not exceeding Two hundred and fifty pounds, currency, be granted to Her Majesty, to defray the salary of the *French* Translator to the House of Assembly, for one year.

*Resolved* — That a sum not exceeding One hundred pounds, currency, be granted to Her Majesty to defray the salary of the Serjeant-at-Arms to the House of Assembly, for one year.

*Resolved* — That a sum not exceeding One hundred and fifty pounds, currency, be granted to Her Majesty, to defray the salary of the Clerk of the Crown in Chancery, for one year.

*Resolved* — That a sum not exceeding Three hundred and ninety three pounds six shillings and eight pence, currency, be granted to Her Majesty to defray the pension of *William Smith*, Esquire, late Clerk and Master in Chancery of the Legislative Council of the heretofore Province of *Lower Canada*, for one year.

*Resolved* — That a sum not exceeding Two hundred and sixty six pounds, thirteen shillings, and four pence, currency, be granted to Her Majesty, to defray the pension of *Charles DeLéry*, Senior, Esquire, late Assistant Clerk of the Legislative Council, of the heretofore Province of *Lower Canada*, for one year.

*Resolved* — That a sum not exceeding one hundred and sixty six pounds thirteen shillings, and four pence, currency, be granted to Her Majesty to defray the pension of *Jacques Voyer*, Esquire, late Clerk of Committees to the Legislative Council of the heretofore Province of *Lower Canada*, for one year.

*Resolved* — That a sum not exceeding sixty six pounds, thirteen shillings, and four pence, currency, be granted to Her Majesty to defray the pension of *William Ginger*, late Serjeant-at-Arms to the Legislative Council of the heretofore Province of *Lower Canada*, for one year.

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*Resolved* — That a sum not exceeding twenty pounds, currency, be granted to Her Majesty, to defray the pension of *Louis Noreau*, late Messenger and Office Keeper of the Legislative Council of the heretofore Province of *Lower Canada*, for one year.

*Resolved* — That a sum not exceeding sixty six pounds, thirteen shillings, and four pence, currency, be granted to Her Majesty to defray the pension of *Louis B. Pinguet*, late Clerk of Committees to the House of Assembly of the heretofore Province of *Lower Canada*, for one year.

*Resolved* — That a sum not exceeding one hundred and thirty three pounds, six shillings, and eight pence, currency, be granted to Her Majesty, to defray the pension of *David Jardine*, late writing Clerk in the House of Assembly, of the heretofore Province of *Upper Canada*, for one year.

*Resolved* — That a sum not exceeding one hundred and thirty three pounds, six shillings, and eight pence, currency, be granted to Her Majesty to defray the pension of *William Coates*, late writing Clerk in

the House of Assembly of the heretofore Province of *Upper Canada*, for one year.

27th Resolution :  
£100, Pension of  
S. Waller.

*Resolved* — That a sum not exceeding one hundred pounds, currency, be granted to Her Majesty, to defray the pension of *Samuel Waller*, late Clerk of Committees to the House of Assembly of the heretofore Province of *Lower Canada*, for one year.

28th Resolution :  
£133 6s. 8d., Pension  
of J. Brewer.

*Resolved* — That a sum not exceeding one hundred and thirty three pounds, six shillings, and eight pence, currency, be granted to Her Majesty, to defray the pension of *Jasper Brewer*, late Librarian to the House of Assembly of the heretofore Province of *Lower Canada*, for one year.

29th Resolution :  
£18, Pension of  
E. Bell.

*Resolved* — That a sum not exceeding eighteen pounds, currency, be granted to Her Majesty, to defray the pension of *Aeneas Bell*, late Messenger to the House of Assembly of the heretofore Province of *Upper Canada*, for one year.

30th Resolution :  
£18, Pension of  
F. Rodrigue.

*Resolved* — That a sum not exceeding eighteen pounds, currency, be granted to Her Majesty, to defray the pension of *François Rodrigue*, late Messenger to the House of Assembly of the heretofore Province of *Lower Canada*, for one year.

31st Resolution :  
£18, Pension of  
L. Gagné.

*Resolved* — That a sum not exceeding eighteen pounds, currency, be granted to Her Majesty, to defray the pension of *Louis Gagné*, late one of the Messengers to the House of Assembly of the heretofore Province of *Lower Canada*, for one year.

32nd Resolution :  
£6,800, sessional  
allowance to  
members.

*Resolved* — That a sum not exceeding six thousand eight hundred pounds, currency, be granted to Her Majesty, for the purpose of enabling Her to pay a Sessional allowance to the Members of this House, as an indemnity for their disbursements in attending the present Session, and to defray their travelling expenses to and from the place at which the Legislature meets.

Bill for payment of  
salaries &c. to  
Officers of the Legis-  
lature brought in.

*Ordered* — That the Honourable Mr. *Harrison*, have leave to bring in a Bill to make provision for the payment of the Salaries and allowances of certain Officers of the Legislature, for a limited period ; and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Bill read 2nd time.

*Ordered* — That the said Bill be now read a second time.

The said Bill was accordingly read a second time.

*Ordered* — That the said Bill be engrossed.

Bill for payment of  
Members brought in.

*Ordered* — That the Honourable Mr. *Harrison*, have leave to bring in a Bill for the payment of a Sessional indemnity to Members of the Legislative Assembly.

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He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

Bill read 2nd time.

*Ordered* — That the said Bill be now read a second time.

The said Bill was accordingly read a second time.

*Ordered* — That the said Bill be now referred to a Committee of the whole House.

House in Com. on  
the Bill.

The House accordingly resolved itself into the said Committee.

Mr. *Campbell*, took the chair of the Committee.<sup>12</sup>

Mr. J. S. Macdonald observed, that there were many he was sure, who would make a good speculation out of this indemnity, and he did not think it right that the country should pay members twenty-one dollars per week, when their expenses might be included in fourteen.<sup>13</sup>

Mr. Aylwin remarked that he could not agree with the estimate of the hon. member for Glengarry — his (Mr. Aylwin's) amounting to four times that sum.<sup>14</sup>

Mr. Cameron put his down at a very low figure....<sup>15</sup>



((This)) induced the member for Carleton ((Mr. Johnston)) to request the favour of a reference to such a cheap boarding house.<sup>16</sup>

Mr. Christie then moved that the sum be £65 — <sup>17</sup>

Carried in high glee.<sup>18</sup>

The same ... member ((Mr. Christie)) then ... proposed to substitute *fifteen shillings* for every *twenty miles* travelling expenses in lieu of 10s. — <sup>19</sup>

This item passed unaltered.<sup>20</sup>

Mr. Dunn then inquired of the honorable Secretary how the money was to be paid....<sup>21</sup>

((Mr. Harrison answered)) on the Speaker's warrant.<sup>22</sup>

(609)

and after some time spent therein,

Mr. Speaker resumed the chair,

Bill reported with amendments.

And Mr. Campbell, reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table.

Ordered — That the question of concurrence be now separately put upon the said amendments.

1st amendment read.

And the first of the said amendments being again read,

Mr. Cameron moved, in amendment, seconded by Mr. J. S. MacDonald,

Motion to amend amendment.

That the words "sixty five pounds" be struck out of the said amendment, and the words "fifty pounds" substituted.

The question having been put upon the said motion, a division ensued, and the names having been called for, they were taken down, as followeth : —

#### YEAS.

Aylwin,	Harrison, Hon. S.B. McDonald, (Glen.)	Simpson,
Cameron,	Hincks,	McLean, Small,
Day, Hon. C.D. McNab, Sir A.N. Morris,	Thompson. — 13.	
Foster,		

#### NOES.

Baldwin,	Hopkins,	Parent,	Taché,
Campbell,	Johnston,	Parke,	Taschereau,
Christie,	Killaly, Hon. H.H. Quesnel,	Thorburn,	
Cook,	McDonald, (Pres.)	Raymond,	Turcotte,
Dunn, Hon. J.H. Merritt,	Roblin,	Viger, Hon. D.B.	
Durand,	Morin,	Smith, (Front.)	Williams. — 27.
Gilchrist,	Neilson,	Smith, (Went.)	

Motion lost.

So it passed in the Negative.

1st amendment carried.

The question being then put upon the said first amendment, it was agreed to by the House.

2nd amendment agreed to.

The second of the said amendments being again read, and the question of concurrence being put thereon, it was agreed to by the House.

Bill to be engrossed.

Ordered — That the said Bill, as amended, be engrossed.

Message from Leg. Council.

A message from the Legislative Council by John Godfrey Spragge, Esquire, Master in Chancery.

#### MR. SPEAKER,

Bills passed L. Coun.

The Legislative Council have passed the following Bills, without any amendment : —

Bill to regulate Customs Duties.

"An Act to repeal certain Acts, therein mentioned, and to consolidate the Laws relating to the Provincial duties to be levied on Goods, Wares, and Merchandize, imported into this Province."

Indigent Emigrants'  
Fund Bill.

"An Act to create a fund for defraying the expense of enabling  
"indigent Emigrants to proceed to their place of destination, and of  
"supporting them until they can procure employment."

Bill to indemnify  
C. Leggo.

(610)

"An Act to authorize the payment of a certain sum of money to  
"Christopher Leggo."

And also,

Quebec Bank  
Charter extension  
Bill sent down  
amended.

The Legislative Council have passed the Bill intituled, "*An Act to  
"extend the Charter of the Quebec Bank,"*" with several amendments, to  
which they desire the concurrence of the Assembly.

And also,

LEGISLATIVE ASSEMBLY, 15TH SEPTEMBER, 1841.

Com. of Leg. Coun-  
cil appointed to meet  
Com. of Assembly on  
the Library.

*Ordered* — That the Master in Chancery do go down to the Legis-  
lative Assembly, and acquaint that House that the Legislative Council  
have appointed the Honourable Messieurs *Morris* and *Hamilton*, to be  
a Committee on the part of this House, who will be ready to meet the  
Committee appointed by the Legislative Assembly, on the subject of  
the Library, to-morrow, at the hour of eleven o'clock in the forenoon,  
in the Library.

Attest,

JAMES FITZGIBBON,  
Clerk Leg. Council.

And then, he withdrew.

House in Com. on  
Public Improvements  
Bill.

The Order of the day for the House in Committee on the Bill to  
appropriate certain sums of money for public improvements in this  
Province, and for other purposes therein mentioned, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Roblin*, took the chair of the Committee, and after some time  
spent therein,

Mr. Speaker resumed the chair,

Bill reported amended.

And Mr. *Roblin*, reported that the Committee had gone through  
the Bill, and had made several amendments thereto, which amendments  
were again read at the Clerk's table, and agreed to by the House.

Bill to be engrossed.

*Ordered* — That the said Bill, as amended, be engrossed.

Amendments to  
Quebec Bank Charter  
extension Bill  
considered.

On motion of Mr. *Black*, seconded by Mr. *Merritt*.

*Ordered* — That the amendments by the Legislative Council to the  
Bill entitled "*An Act to extend the Charter of the Quebec Bank,*" be  
now taken into consideration.

The House proceeded accordingly to take the said amendments into  
consideration.

And the said amendments were read, and are as followeth : —

Amendments.

Press 9, Line 20 — Leave out all the words after "felony" to "ac-  
cordingly" both inclusive.

Press 10, Line 14 — Leave out "for the first offence."

Press 10, Line 15 — Leave out all the words after "of" to "felony"  
in the twentieth line, inclusively, and insert "felony."

Press 11, Line 9 — Leave out after "of" to "accordingly" in the  
10th line and insert "felony."

Press 11, Line 13 — After the 22nd Clause insert the following  
Clause, marked A.

(A.)

"And be it enacted, that every person convicted of felony under  
this Act, shall be punished by imprisonment at hard labor, in the Pro-  
vincial Penitentiary for any term not less than seven years, or by im-  
prisonment in any other Gaol or place of confinement for any term not  
exceeding two years."

(611)

Amendments  
agreed to.

And the said amendments being again read, they were agreed to by the House.

*Ordered* — That Mr. *Black*, do carry back the said Bill to the Legislative Council, and acquaint their Honors that this House hath agreed to their amendments.

Message from  
Leg. Council.

A message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery.

MR. SPEAKER,

Montreal Bank Stock  
increase Bill sent  
down amended.

The Legislative Council have passed the Bill entitled "*An Act to extend the Charter of the Bank of Montreal, and to increase its capital stock*" with several amendments, to which they desire the concurrence of the Assembly.

And then he withdrew.

Amendments  
considered.

On motion of Mr. *Black*, seconded by Mr. *Burnet*,  
*Ordered* — That the amendments made by the Legislative Council to the Bill intituled "*An Act to extend the Charter of the Bank of Montreal, and to increase its Capital Stock*," be now taken into consideration.

The House proceeded, accordingly, to take the said amendments into consideration,

And the said amendments were read, and are as followeth : —

Amendments.

Press 19th, Line 13 — Leave out "and be punished accordingly."

Press 19, Line 26 — Leave out "for the first offence."

Press 19, Line 19 — Leave out all the words after "of" to "accordingly" in Press 20, Line 4, and insert "felony."

Press 20, Line 20 — Leave out all the words after "felony" to "accordingly," inclusively, in the 21st line, and insert "and the proof that such plate, paper, rolling press, or other tool, instrument, or material, as aforesaid, was formed, made, engraved, or amended, by, or was in the possession of such person for some lawful purpose, shall be upon him or her."

Press 20, Line 21 — After the 36th Clause, insert the following Clause, marked A : —

(A.)

"And be it enacted, that every person convicted of felony under this Act, shall be punished by imprisonment at hard labor in the Provincial Penitentiary, for any term not less than seven years, or by imprisonment in any other Gaol or place of confinement for any term not exceeding two years."

Amendments  
agreed to.

And the said amendments being again read, they were agreed to by the House.

*Ordered* — That Mr. *Black*, do carry back the said amendments to the Legislative Council and acquaint their honours that this House hath agreed to their amendments.

House in Com. on  
amending Ordinance  
respecting Montreal  
and Coteau Rail  
Road.

The Order of the day for the House in Committee to take into consideration the expediency of amending the Ordinance of the Special Council, of the 4th VICTORIA, Chap. 41, authorizing the formation of a Rail Road from *Montreal* to *Coteau du Lac*, being read,

The House accordingly resolved itself into the said Committee,

Mr. *Morris*, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Resolution reported.

And Mr. *Morris*, reported that the Committee had come to a Re-

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solution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth : —



Resolution.

*Resolved* — That it is expedient to amend the 53rd Clause of the Ordinance of the Special Council, 4th VICTORIA, Chap. 41, by extending the period therein fixed for depositing the record named in the aforesaid Clause.

Bill to amend  
Montreal and Coteau  
Rail Road Ordinance  
brought in.

*Ordered* — That Mr. Cameron, have leave to bring in a Bill to extend the limitation of the 53rd Clause in the Ordinance 4th VICTORIA, Chap. 41, establishing a Company for making a Rail Road from *Montreal to Coteau du Lac*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

*Ordered* — That the said Bill be read a second time to-morrow.

At 5 o'clock Mr. Speaker declared the House adjourned until 7 o'clock, P. M.

7 o'Clock, P. M.

House in Com. on  
taxing imported  
produce.

The Order of the day for the House in Committee on the Bill for imposing duties on agricultural and other produce, and stock, imported into this country from the *United States of America*, being read,  
The House accordingly resolved itself into the said Committee.  
Mr. Cook took the chair of the Committee,

The three first clauses ((were)) ... put and negatived — <sup>23</sup>

Mr. Roblin moved that the Committee rise — thereby quashing this measure for the present Session. Mr. Roblin spoke warmly in favor of the bill — pointing out the evils experienced by the Canadian Farmer in consequence of the competition allowed to the U. States Agriculturist — that instead of the wheat merchant taking a tour through the Bay of Quinto (sic) — he started for the Western States and there made all his purchases — glutting this market — monopolizing the forwarding &c. Mr. Roblin mentioned an instance in which a person on the Bay, had sent down some two hundred bbls. of flour to a Kingston Forwarder when prices were high to be forwarded with despatch to Montreal, but instead of that it had been piled up in the open air, and from long exposure to the weather had been destroyed — all this happened on account of the great influx of American produce about that time monopolizing all the means of transport. He said everything the farmer had to buy was taxed and highly taxed — but there was no protection afforded him on the articles of his production.<sup>24</sup>

Capt. Steele in rising to support the Bill for imposing a Protection Duty on stock and agricultural produce from the United States for home consumption, begged to assure hon. gentlemen that if he saw in the measure anything calculated to injure the interests of the Lower section of the Province, he would not vote in its favor. Representing as he did a great Agricultural County, he felt it an imperative duty to raise his voice in favor of the principle so ably advocated by the hon. member for Essex (Col. Prince). — No one would deny that it became the bounden duty of the Government and Legislature to shield the Farmer against the pressure of foreign competition — this has been the paramount duty of every government. Capt. S. felt confident that every hon. gentleman who heard him would agree with him that the Canadian Farmer has no desire while asking protection for his labour and capital, to injure the Miller, and Merchant, or to divert from the St. Lawrence the transit of foreign produce from which the Forwarder obtains a profit. — But the Foreign Corn Factor should not be permitted to undersell and thus exclude him (the Farmer) from the Market altogether. This would be encouraging Emigration with a vengeance. Every other interest is based upon Agriculture and no Emigrant in his senses would leave the Mother Country, but with the prospect of bettering his circumstances by investing his capital here. — It could not be denied that the Corn Factor of Ohio and Michigan has every facility offered him by the Welland Canal, to carry on a profitable business with the Canadian Merchant, and our Millers have a right to a serious consideration of their interests in this House — but not at the expense of their fellow subject, the farmer who ought to be protected from ruinous foreign competition, labouring as he does under every disadvantage of bad roads and distant location.<sup>25</sup>

Mr. Cartwright said that the Mills and Capital employed by Millers in Manufacturing U. States Wheat were of great importance to us — that the products of Canada would not keep them half time employed, and consequently the Canadian farmer would be deprived

of the great advantages he now possessed of having so many Mills and those of so good a description. The increased facilities which were afforded the Canadian Farmer in forwarding his produce was another great consideration. The freight on the U. States flour through Canada alone leaves 5s. per bbl. in this country — and he was of opinion that the proposed duty would only have the effect of bringing trade to a stand — that besides all our Lake and River craft being out of employment, there would be 150 vessels which navigate the Atlantic with these products absolutely idle, — and consequently this great school for British seamen destroyed. Would this not injure the Canadian Farmer — would he be able to export his produce on the same terms as he now does. No. It was a very popular cry, Protecting Duty — but it was all a fallacy, which he could prove by statistical facts did the time of the House permit.<sup>26</sup>

**Mr. Small** made some remarks to the effect that all wheat ground in this country of U.S. growth should be taxed with the 6d per bushel.<sup>27</sup>

**Mr. Simpson** on the part of Lower Canada said that in that Province they did not raise enough wheat for their own consumption. — That U.C. had saddled Lower Canada with her debt — taken her revenue and now she was going to starve them. A tax of 6d per bbl. on flour, and 1½d per bushel on wheat was sufficient to turn the trade from our door. — U.C. had the duty levied two or three years, and the consequence was that the trade vanished like snow off the mountain. He (Mr. S.) asked what enabled Holland to hoist the broom at the mast head, as a token that she swept the seas? — it was her carrying trade. — And what was it that had raisep (sic) England to the exalted position which she now obtains in the scale of nations? — her commerce — the carrying trade. He (Mr. S.) maintained further, that the free introduction of U. States wheat into this country was a benefit to the Canadian Farmer; for he would be enabled to export more of his own growth of a high rate and purchase American for his own use at a low rate. He was decidedly opposed to having Corn Laws in Canada.<sup>28</sup>

**Mr. Small** was prepared to meet the hon. gentleman half way when he found it would operate against the interest of Lower Canadians, but he was not altogether prepared to sacrifice the main stay of the U.C. farmer to them.<sup>29</sup>

**Dr. Dunlop** said he was a farmer, and that which was beneficial for the farmer must tend to advance his own interest; he hoped the speeches of some hon. gentlemen delivered on that occasion, would not go to the world, for the people of Europe and the United States would think the Legislators of Canada the greatest barbarians on the face of the earth. Commerce like water would find its own level — there was no possibility of stopping commerce: Custom House Officers and Coast Guards might be established but they would be of no avail. He contended that the English Agriculturist was not protected by the Corn Laws. — If those Laws imposed a fixed duty of 12s. per quarter, on Corn they might have the desired effect — but they had a sliding scale which was raised or lowered, according to the price of Corn. — When the scale comes down the bonded Corn is thrown into the market and gluts it. He was opposed to any restrictions on Commerce. — The more corn we could bring into the market the better, no matter where it came from — there would be more buyers and consequently higher prices. The Millers take the raw material and make an article fit for importing out of it, and if we should impose a tax on the raw material the law would be evaded, which he would exemplify, if the Exciseman should happen to find in his hay loft some forty or fifty chests of Tea, he (Dr. D.) might not be able to give a very satisfactory account of how it came there, — but if the Custom House Officer should notice some 4 or 500 bushels of wheat in a bin in his granary, he could easily account for that by pointing to a wheat stubble on his farm, and say "I got it there." The wheat he could smuggle, but the Tea he could not without detection. Instead of printing 1000 copies of this Bill in English and French for the use of members, he thought that it would have been far better for that House to have made a liberal grant, for Printing an edition of Adam Smith's *Wealth of Nations* — as many hon. gentlemen were much in need of it.<sup>30</sup>

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and after some time spent therein,

Committee rises.  
Message from  
Leg. Council.

Mr. Speaker resumed the chair,  
A Message from the Legislative Council by *John Godfrey Spragge*,  
Esq., Master in Chancery : —

MR. SPEAKER,

Bill passed L. Coun.

The Legislative Council have passed the following Bills, without any amendment : —

Warehousing Bill.

*"An Act to extend the benefit of the warehousing system established by a certain Act of the Imperial Parliament, passed in the 3d and 4th years of His late Majesty's Reign, to duties imposed by Provincial Acts."*

Home District debts consolidation Bill.

*"An Act to consolidate certain debts due by the Home District, and to make provision for the payment thereof."*

Bill to amend Act of U. C. regulating macadamized roads.

*"An Act to explain and amend an Act of the Legislature of Upper Canada, relative to District Turnpike Trusts."*

Bill to appropriate School Funds in Canada West.

*"An Act to make temporary provision for the appropriation of the funds derived from the sale of School Lands in that part of the Province formerly Upper Canada, and for other purposes."*

And, also,

City Bank stock increase Bill sent down amended.

The Legislative Council have passed the Bill intituled *"An Act to extend the Charter of the City Bank, and to increase the Capital Stock thereof,"* with several amendments, to which they desire the concurrence of the Assembly.

And, also,

Bill to naturalize Rev. W. Sharts sent down for concurrence.

The Legislative Council have passed a Bill, intituled *"An Act to naturalize the Reverend William Sharts,"* to which they desire the concurrence of the Assembly.

And then he withdrew.

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Bill read first time.

An engrossed Bill from the Legislative Council, intituled *"An Act to naturalize the Reverend William Sharts,"* was read for the first time.

Bill to construct certain Light Houses read 2nd time.

A Bill to provide for the construction of certain Light Houses and Lights, within the Port of *Montreal*, was, according to order, read a second time.

House in Com. on the Bill.

*Ordered* — That the said Bill be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. *Cameron* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. *Cameron* reported, that the Committee had gone through the Bill without making any amendment thereto, and the report was again read at the Clerk's table.

Bill to be engrossed.

*Ordered* — That the said Bill be engrossed.

House in Com. on Quebec Board of Trade Bill.

The Order of the day for the House in Committee on the Bill to incorporate the *Quebec* Board of Trade, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Thorburn* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. *Thorburn* reported, that the Committee had gone through the Bill, without making any amendment thereto, and the report was again read at the Clerk's table.

Bill to be engrossed.

*Ordered* — That the said Bill be engrossed.

House in Com. on l'Assomption College Bill.

The Order of the day for the House in Committee on the Bill to incorporate the College of *L'Assomption*, in the County of *Leinster*, being read,

The House accordingly resolved itself into the said Committee,



Mr. *Thorburn* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. *Thorburn* reported that the Committee had gone through the Bill, without making any amendment thereto, and the report was again read at the Clerk's table.

Bill to be engrossed.

*Ordered* — That the said Bill be engrossed.

The names of the members present were taken down as followeth : —

Mr. Speaker,

Mr. *Armstrong*, Mr. *Baldwin*, Mr. *Campbell*, Mr. Solicitor General *Day*, Mr. *Dunlop*, Mr. *Durand*, Mr. *Foster*, Mr. *Gilchrist*, Mr. *Hopkins*, Mr. *Morin*, Mr. *Raymond*, Mr. *Roblin*, Mr. *Simpson*, Mr. *Steele*, and the Honourable Mr. *Viger*.

No Quorum.

And at 10 o'clock at night, Mr. Speaker adjourned the House, for want of a Quorum.

Footnotes — 15 September 1841.

1. BRITISH COLONIST, 22 September 1841.
2. IBID.
3. IBID.
4. The debate on this was reported by : MONTREAL GAZETTE, 18 September 1841 ; and BRITISH COLONIST, 22 September 1841.
5. MONTREAL GAZETTE, 18 September 1841.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. The debate on this matter was reported by : EXAMINER, 22 September 1841 ; BRITISH COLONIST, 22 September 1841 ; and MONTREAL GAZETTE, 18 September 1841.
13. BRITISH COLONIST, 22 September 1841.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID. There was also a commentary on Christie's motives in this : "A profitable jaunt, truly, at three dollars per diem."
21. IBID.
22. IBID.
23. KINGSTON CHRONICLE, 18 September 1841.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.

## Thursday, 16 September 1841.

Letter from Clerk of the House respecting appointment of W. P. Patrick, Esq. as his deputy.

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Mr. Speaker communicated to the House the following letter : —

CLERK'S OFFICE, LEGISLATIVE ASSEMBLY,  
Kingston, 15th September, 1841.

SIR,

As I have still a considerable portion of the work connected with the printing of the Journals of the last session of the Special Council

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to Superintend, and the work is undertaken and must be completed at *Quebec*, I am desirous of availing myself, with the permission of the Honourable the Legislative Assembly, of the power given me by my commission, as its Clerk, by appointing a Deputy to act for me here during the recess ; and I therefore respectfully request that you will lay this application before the House, if you are of opinion that it can be conveniently granted. The gentleman whom I propose to appoint as my Deputy, is *William Poyntz Patrick*, Esq., one of the officers of the House, whose long experience in the service of the Assembly of the late Province of *Upper Canada*, has perfectly qualified him to undertake the duty ; and in whose diligence and attention I have the fullest confidence.

I have the honour to be, Sir,

Your most obedient humble servant,

W. B. LINDSAY,  
Clerk Assembly.

To the Honourable the Speaker  
of the Legislative Assembly. }

Appointment  
approved of.

On motion of Mr. *Neilson*, seconded by Mr. *Aylwin*,  
*Resolved* — That this House doth approve of the Clerk of this House appointing *William Poyntz Patrick*, Esq., to act as his Deputy during the recess of Parliament.

Petition of A. Green  
and others,  
brought up.

Mr. *D. M'Donald* brought up the Petition of *Alexander Green*, and others, inhabitants of the District of *Ottawa* ; which was laid on the table.

Members' payment  
Bill passed.

An engrossed Bill for the payment of a sessional indemnity to members of the Legislative Assembly, was read for the third time.

*Resolved* — That the Bill do pass, and the title be, "*An Act to provide in part for indemnifying the Members of the Legislative Assembly of this Province.*"

*Ordered* — That the Honourable Mr. *Harrison* do carry the said Bill to the Legislative Council and desire their concurrence.

Bill for payment of  
salaries &c. to  
Officers of the  
Legislature passed.

An engrossed Bill to make provision for the payment of the salaries and allowances of certain Officers of the Legislature, for a limited period, and for other purposes, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That the Honourable Mr. *Harrison* do carry the said Bill to the Legislative Council, and desire their concurrence.

Bill to make a grant to Victoria College passed.

An engrossed Bill to grant a certain sum of money, as an aid to the *Victoria* College, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That the Honourable Mr. *Harrison* do carry the said Bill to the Legislative Council, and desire their concurrence.

Public Improvements Bill passed.

An engrossed Bill to appropriate certain sums of money for Public Improvements in this Province, and for other purposes therein mentioned, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. Solicitor General *Day* do carry the said Bill to the Legislative Council, and desire their concurrence.

Bill for erection of certain Light Houses passed.

An engrossed Bill to provide for the construction of certain Light Houses and Lights, within the Port of *Montreal*, was read for the third time.

*Resolved* — That the Bill do pass.

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*Ordered* — That Mr. Solicitor General *Day* do carry the said Bill to the Legislative Council, and desire their concurrence.

Bill to defray certain expenses of Steam Dredge passed.

An engrossed Bill to appropriate a sum of money to defray certain expenses relative to the Provincial Steam Dredge of *Upper Canada*, and for other purposes relative to the said Steam Dredge, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. Solicitor General *Day* do carry the said Bill to the Legislative Council, and desire their concurrence.

*Petitions read.*

Pursuant to the Order of the day, the following *Petitions* were read : —

Of C. P. Treadwell and others.

Of *Charles P. Treadwell*, Esquire, and others, members of the *Ottawa* District Bible Society, praying that the Bible may be used as a Class Book in all the Schools and Seminaries throughout this Province.

Of J. Lee and others.

Of *James Lee*, and others, members of the Agricultural Society of *Missisquoi*, praying that certain amendments may be made to the Act of the 4th WILL. 4th, Chap. 8, Sec. 2d.

Comm. on Petition of P. Leppard and others, and on Petition of G. Munro, present 1st Report.

Sir *Allan MacNab*, from the Special Committee to which was referred the Petition of *Peter Leppard*, of *East Gwillimbury*, *Home* District, the Petition of *George Munro*, Mayor, on behalf of the Corporation of the City of *Toronto*, and other references, with power to report from time to time, presented to the House the first report of the said Committee, which was again read at the Clerk's table.

For the said Report, see Appendix (O. O.)

Report to be printed.

*Ordered* — That the like number of copies of the said report, with the documents accompanying the same, be printed for the use of the members of this House, as was ordered to be printed of the report of the Commissioners appointed to investigate the *Toronto* riots.

Further consideration of Petition of G. Munro deferred.

*Ordered* — That the further consideration of the Petition of *George Munro*, Mayor, on behalf of the Corporation of the City of *Toronto*, be postponed until the next Session of Parliament.

Com. on Petition of M. Rourke report.

Mr. *Roblin*, from the Select Committee to which was referred the Petition of *Matthew Rourke*, of *Kingston*, Merchant, presented to the House the report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

Report.

"Your Committee find that at the commencement of this Session a Petition, signed by said *Rourke*, and others, complaining of the return



of *Henry Smith*, Esquire, member for the County of *Frontenac*, and laid before your Honourable House.

That Your Honourable House did not appoint any day for striking a Committee on said Petition.

That on the last day allowed by law for fixing a day to strike a Committee, another Petition was laid before Your Honourable House, by *James Mathewson*, Esquire, in substance the same as the one above referred to, and the twenty second day of *July* fixed for striking the Committee to try the merits of said Petition.

That it appears to Your Committee that Mr. *Smith* allowed the Petition of *Rourke*, and others, to remain unnoticed until the 20th day of *July*, when he moved that said Petition of *Rourke*, and others, should be referred to the Committee to be struck for the trial of the Petition of *James Mathewson*, which was ordered by Your Honourable House.

That it appears to your Committee that Mr. *Smith* was, about the

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first day of *July*, informed that no action should be taken upon the Petition of *Rourke* and others.

That it appears to your Committee that no notice of the reference of the Petition of *Mathew Rourke*, and others, aforementioned, was given to the Petitioners or their Counsel or agent.

That when the Committee appointed for the trial of the Petition of Mr. *Mathewson* met, the Counsel for the Petitioner informed the Committee, and in the presence of Mr. *Smith*, that it was not intended to take any action upon the Petition of *Rourke*, and others, nor was any thing done upon the same.

That the Committee on reporting upon both said Petitions, declared that of *Rourke*, and others, vexations, with a full understanding, that there could not be any costs incurred in defending the same."

Revision of taxation  
of costs on Petition  
of M. Rourke  
ordered.

*Ordered* — That the proper officers of this House be directed to reexamine and revise the taxation of the costs on the Petition of *Matthew Rourke*, of *Kingston*, Merchant, and to reduce the said costs, or disallow the same, according to such evidence as may be produced relative to the proceedings before the Committee to which such Petition was referred.

Com. on Petition of  
Directors of Toronto  
and Huron R. Road  
Co. report.

Mr. *Buchanan*, from the select Committee to which were referred the Petition of the Directors of the *Toronto* and Lake *Huron* Rail Road Company, and other references, presented to the House the report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

Report.

"Your Committee find that the Petition prays that an amendment may be made in the Act incorporating the *Toronto* and Lake *Huron* Rail Road Company, so as to confer on the said Company the Right of forming a planked or macadamized Road upon the same conditions, and on the same terms, on which they are now authorized by law to construct a Rail Road from the one Lake to the other.

The object of the Company is, by establishing a direct and easy communication between Lakes *Ontario* and *Huron*, to open up an immense Country, at present deprived of access to Market, and to secure to *Toronto*, and the other Ports on Lake *Ontario*, a portion of the great and increasing Trade of the *West*, and a participation in the Lake *Huron* Fisheries, an inexhaustible source of wealth, at present monopolized by the People of the *United States*, who last year sent off not less than eighty thousand barrels of fish to the Markets of *Ohio* and *Illinois*. Your Committee concur with the Petitioners, that "the advantages which would result from such an improvement would be greater, in a Commercial and agricultural point of view than could be derived from almost any other work," — and they could have no hesitation in reporting in favor of the prayer being granted, but for their

opinion, that deferring the alteration till next Session may be the means of having adopted a much more eligible *Western* terminus than could now be fixed on.

Your Committee are of opinion, that in stead of running the Road *Northward* to Lake *Huron*, it should take a *Westerly* direction and be terminated on Lake *Huron* about 50 or 60 miles *North* of *Goderich*.

The last or most *westerley* 60 miles of such a line of communication would be through the centre of a tract of upwards of a million of acres of the most desirable lands in *Canada*, which are public property, but which, without this Road, must remain for the next half century as valueless as so many acres of Lake *Huron*.

Your Committee are satisfied that the greatest improvement to the resources of the Province would be attained by a planked road being made, at the expense of the Province, through the said Territory; and in such view, all the objects of the *Toronto* and Lake *Huron* Road Company would be attained by their Road having a *Western* terminus at an inland point, at or near the *North Western* corner of the Town-

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ship of *Mono*, where it would be met by the above proposed Road, through the (at present) unsettled Townships of public lands.

The Petitioners anticipate the following advantage to the public, which your Committee see no reason to doubt, and which would be a guarantee for the work being a profitable one — "Travellers from the *Western* portion of the *United States of America*, desiring to reach *New York*, would, in the event of such a Road being made, take this "route in preference to any other now used, as both time and expense "would be saved, and the dangers of the navigation of Lake *Erie* "avoided: — a person leaving *Michilimackinac* on Lake *Huron*, the "point at which all the Steamers navigating Lakes *Huron* and *Michigan* rendezvous in their upward and downward passages, could "then reach *Toronto* in 24 hours; whereas by the routes now used, "the same point cannot be reached in less than four days; in the event, "also, of a war, additional security and facilities would be afforded to "the inhabitants of the Province."

Your Committee beg, therefore, to recommend to your Honourable House to address His Excellency, the Governor General, for a report to be laid before your Honourable House, at its next Session, by the Board of Works, after a full investigation into the above matter, as to whether the Government, looking to the increased value to be put on so large an amount of public lands, and for the general benefit of the Province, would be prepared to recommend to be made (at the public expense, or by means of the lands through which it will pass,) that part of the road which would be through an unsettled country, and the tolls on which, apart from the expected travel from the *United States*, could not at first be expected to be sufficient to pay the interest on the outlay, and the repairs which might be needed."

Report concurred in.

*Resolved* — That this House doth concur with the Committee in the said report.

On motion of Mr. *Buchanan*, seconded by Mr. *Dunlop*.

Address to His  
Excellency  
communicating  
report, ordered.

*Resolved* — That an humble address be presented to His Excellency, the Governor General, communicating to His Excellency a copy of the said report, and praying that His Excellency will be pleased to take the same into his favourable consideration.

*Ordered* — That the said address be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council of this Province.

Com. on state of  
Brock's Monument  
report.

Mr. *Thorburn*, from the Select Committee appointed to enquire into the state and condition of *Brock's* Monument, and what amount of moneys, if any, has been contributed by the public for its re-erection;

and also, whether certain Gold and Silver Medals, struck for Militiamen, have been distributed, and if so, to whom, presented to the House the report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

Report.

"Your Committee beg leave to draw the attention of your Honourable House to the present state of the Monument erected to the memory of the late Major General Sir *Isaac Brock*. On the morning of the 17th *April*, 1840, a malicious attempt was made by some unknown miscreant, to destroy the Monument by means of gunpowder, which was so far successful as to render it necessary to pull it down.

In consequence of this diabolical act, a meeting was held on the *Queenston Heights*, on the 30th of *July* following, at which His Excellency, Sir *George Arthur*, presided, and which was attended by Officers in the Militia, and others, from all parts of the Province, when, after

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Report of Committee on Brock's Monument.

expression of indignation at the outrage, it was resolved that funds for rebuilding the Monument should be endeavoured to be raised by subscription ; and a Committee was appointed to ascertain the amount required, and devise ways and means for raising a sum, by voluntary donations, for that purpose ; and to adopt such measures as they might deem necessary for the re-erection of the Monument. It appears by their returns that these subscriptions, up to the present time, are equal to about £2,800, which is invested in Government Debentures, bearing interest ; but this sum being deemed insufficient to rebuild the Monument in a suitable manner, no steps have yet been taken towards a commencement of the work, and from the lateness of the season, it is more than probable that nothing will be done during the present year. The materials of which the Monument is composed having been materially loosened by the explosion, portions thereof are frequently detaching themselves. The Commissioners appointed by the 55 GEO. 4, Chap. 15, having deceased, there is no one legally authorized to take charge of these materials, and they are liable to be taken away by any one who may think it worth while to remove them.

Your Committee therefore beg leave to recommend that two or three Gentlemen residing near the Monument should be placed in temporary charge thereof until the rebuilding of the same shall be proceeded with."

Commissioners appointed to take charge of Brock's Monument.

*Resolved* — That *David Thorburn*, *Samuel Street* and *Joseph Hamilton*, Esquires, be appointed Commissioners to take charge of the monument erected to the memory of the late Major General Sir *Isaac Brock*, until steps be taken for its re-erection.

Quebec Board of Trade Bill read 3rd time.

An engrossed Bill to incorporate the *Quebec Board of Trade*, was read for the third time.

Bill re-committed.

*Ordered* — That the said Bill be now recommitted to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. *Small* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Bill reported amended.

And Mr. *Small* reported, that the Committee had gone through the Bill, and had made an amendment thereto, which amendment was again read at the Clerk's table, and agreed to by the House.

*Ordered* — That the said Bill, as amended, be engrossed.

The said engrossed Bill, as amended, was then again read.

Bill passed.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Burnet* do carry the said Bill to the Legislative Council, and desire their concurrence.

L'Assomption College Bill passed.

An engrossed Bill to incorporate the College of *L'Assomption*, in the County of *Leinster*, was read for the third time.



*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Raymond* do carry the said Bill to the Legislative Council, and desire their concurrence.

On motion of Mr. *Cartwright*, seconded by Mr. *Cook*,

Bill to naturalize  
Rev. W. Sharts  
(L. Coun.) read 2nd  
time.

*Ordered* — That the engrossed Bill from the Legislative Council, intituled "*An Act to naturalize the Reverend William Sharts*," be now read a second time.

The said Bill was accordingly read a second time.

*Ordered* — That the said Bill be now read for the third time.

The said Bill was accordingly read for the third time.

Bill passed.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Cartwright* do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath passed the same, without any amendment.

(619)

On motion of Mr. *Black*, seconded by Mr. *Cartwright*,

Amendments of Leg.  
Council to City Bank  
Bill taken into  
consideration.

*Ordered* — That the amendments made by the Legislative Council to the Bill intituled "*An Act to extend the Charter of the 'City Bank,'*" "*and to increase the Capital Stock thereof*," be now taken into consideration.

The House proceeded accordingly to take the said amendments into consideration.

Amendments.

And the said amendments were read, and are as followeth : —

Press 23, Line 7 — Leave out all the words after "felony," to "accordingly," both inclusive.

Press 23, Lines 26 and 27 — Leave out "for the first offence."

Press 24, Line 1 — Leave out all the words after "of" to "accordingly," in the 11th line, inclusively, and insert "felony."

Press 25, Line 7 — Leave out all the words after "felony" to "accordingly," inclusively, in the 8th line, and insert "and the proof that such plate, paper, rolling press, or other tool, instrument or material, as aforesaid, was formed, made, engraved or mended, by, or was in the possession of such person for some lawful purpose, shall be upon him or her."

Press 25, Line 8 — After the 33d Clause, insert the following Clause marked A : —

#### CLAUSE A.

"And be it enacted, that every person convicted of felony under this Act, shall be punished by imprisonment at hard labor in the Provincial Penitentiary, for any term not less than seven years, or by imprisonment in any other Gaol or place of confinement for any term not exceeding two years."

Amendments  
agreed to.

And the said amendments being again read, they were agreed to by the House.

*Ordered* — That Mr. *Black* do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath agreed to their amendments.

Chairman of Com. of  
whole on 2nd Report  
of Com. on transit  
of products, reports  
Resolution.

Mr. *Gilchrist*, from the Committee of the whole House on the second Report of Select Committee appointed to examine into the prices paid, and methods adopted, for the transit of products on the different Communications within this Province, and to whom was referred the Message of His Excellency, the Governor General, in answer to the Address of the House of the 14th of *July* last, on the subject of an Address of the House of Assembly of *Upper Canada*, relating to the introduction of the products of the Province into the Ports of *Great Britain*, free of any duty ; reported, according to order, the Re-

solutions of the said Committee, which Resolutions were again read at the Clerk's table, and agreed to by the House and are as followeth : —

1st Resolution.

*Resolved* — That boats, rafts, or craft of any description, passing from one part of the Province to another should not continue to be subject to any charges, delay, or restriction, whatever, at the *Coteau du Lac*.

2nd Resolution.

*Resolved* — That the attention of Her Majesty's Government should be immediately drawn to the importance of widening the three Locks on the *Grenville Canal*, for reasons set forth in the report of a select Committee of this House on the subject of water communications.

3rd Resolution.

*Resolved* — That the attention of the Board of Works be directed to the removal of the arched Bridges on the *Lachine Canal*; to affording the necessary facilities at the *St. Anns Rapids* for the passage upwards of boats until that Lock is finished; and to providing a sufficient number of tug boats between *Lachine* and *Kingston*, to form one daily line; to enable vessels of a small draught of water to return to the Upper Lakes from the Ports of *Quebec* and *Montreal*, without being subject to the expense and delay of transshipment; that an increased amount of toll be imposed to defray the costs and expenses thereof;

(620)

and that this House will make good any advances which may be necessary to give effect to the present Resolutions.

Bill to amend  
Ordinance respecting  
Montreal and Coteau  
Rail Road, read 2nd  
time.

A Bill to extend the limitation of the 53rd clause in the Ordinance 4 VIC. Chap. 41; establishing a Company for the making a Rail Road from *Montreal* to the *Coteau du Lac*, was, according to order, read a second time.

*Ordered* — That the said Bill be engrossed.

An engrossed Bill to extend the limitation of the 53rd clause in the Ordinance 4th VIC : Chapt. 41, establishing a Company for the making a Rail Road from *Montreal* to the *Coteau du Lac*, was read for the third time.

Bill passed.

*Resolved* — That the Bill do pass, and that the title be "*An Act to extend the limits of an Ordinance of the Legislature of the late Province of Lower Canada, intituled 'An Ordinance for making a Rail Road from the City of Montreal to the Province line, at, or near, 'Pointe à Beaudet.'*"

*Ordered* — That Mr. Cameron do carry the said Bill to the Legislative Council, and desire their concurrence.

Sydenham Harbor  
Bill read 2nd time.

A Bill to incorporate certain persons therein named, under the style and title of the *Sydenham Harbor Company*, was, according to order, read a second time.

Bill to be engrossed.

*Ordered* — That the said Bill be engrossed.

Motion respecting  
the sending a  
person to England  
to negotiate loan.

Mr. Aylwin moved, seconded by Mr. Taché,

That this House, in passing the Bill intituled "*An Act to facilitate the negotiation of a loan in England, and for other purposes therein mentioned,*" only agreed to the said Bill in the firm reliance that the executive Government of this Province will appoint no person to be an agent to carry the said Bill into effect, if passed into a law, unless the person so appointed be a person permanently residing in this Province, and enabled to give good and sufficient security for the faithful performance of his duty under the said Act.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth : —

YEAS.

<i>Aylwin,</i>	<i>Johnston,</i>	<i>Parent,</i>	<i>Thompson,</i>
<i>Baldwin,</i>	<i>Merritt,</i>	<i>Smith, (Went.)</i>	<i>Viger, Hon. D.B.</i>
<i>Buchanan,</i>	<i>Morris,</i>	<i>Taché,</i>	<i>Yule. — 15.</i>
<i>Durand,</i>	<i>Neilson,</i>	<i>Taschereau,</i>	

NOES.

<i>Black,</i>	<i>Gilchrist,</i>	<i>Parke,</i>	<i>Simpson,</i>
<i>Campbell,</i>	<i>Harrison, Hon. S.B.</i>	<i>Powell,</i>	<i>Steele,</i>
<i>Cook,</i>	<i>Hincks,</i>	<i>Robertson,</i>	<i>Watts,</i>
<i>Dunn, Hon. J.H.</i>	<i>McNab, Sir A.N.</i>	<i>Roblin,</i>	<i>Williams. — 18.</i>
<i>Foster,</i>	<i>McDonald, (Pres.)</i>		

Motion lost.

So it passed in the Negative.

House in Com. on  
Election and  
Registration Bill.

The Order of the day for the House in Committee on the Bill to provide for the enregistration of persons entitled to vote at Elections, of Members of the Legislative Assembly of this Province, and to make better provision for the holding of such Elections, being read,

The House accordingly resolved itself into the said Committee.

(621)

Mr. *Parke* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Bill reported  
amended.

And Mr. *Parke* reported that the Committee had gone through the Bill, and had made several amendments, thereto, which amendments were again read at the Clerk's table, and agreed to by the House.

Bill to be engrossed.

*Ordered* — That the said Bill, as amended, be engrossed.

Message from  
Leg. Council.

A Message from the Legislative Council by *John Godfrey Spragge*, Esquire, Master in Chancery.

MR. SPEAKER,

Niagara Bank Bill  
sent down amended.

The Legislative Council have passed the Bill intituled "*An Act to incorporate sundry persons under the style and title of the President, Directors, and Company, of the Bank of the Niagara District*" with several amendments, to which they desire the concurrence of the Assembly.

And then he withdrew.

On motion of Mr. *Merritt*, seconded by Mr. *Hincks*.

*Ordered* — That the amendments made by the Legislative Council to the Bill intituled "*An Act to incorporate sundry persons under the style and title of the President, Directors, and Company, of the Bank of the Niagara District*," be now taken into consideration.

The House proceeded accordingly to take the said Amendments into consideration.

Amendments read.

And the said Amendments were read, and are as followeth: —

Amendments.

Press 24, Line 14 — Leave out all the words after "felony" to "years," inclusively, in the twentieth line.

Press 25, Line 10 — Leave out the words "for the first offence."

Press 25, Line 11 — Leave out all the words after "of" to "felony," inclusively, in the eighteenth line, and insert "felony."

Press 26, Line 13 — Leave out all the words after "of" to "accordingly," inclusively, in the fifteenth line, and insert "felony."

Press 26, Line 20 — After the 44th clause insert additional clause,

CLAUSE A.

"And be it enacted, that every person convicted of felony under this Act shall be punished by imprisonment, at hard labour, in the Provincial Penitentiary, for any term not less than seven years, or by imprisonment in any other Gaol or place of confinement, for any time not exceeding two years."

Amendments  
agreed to.

And the said amendments being again read, they were agreed to by the House.

*Ordered* — That Mr. *Merritt* do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath agreed to their amendments.



Com. on  
Contingencies present  
4th Report.

Mr. *Thorburn*, from the special Committee on the contingent accounts, and other expenses of the present session, presented to the House the fourth report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

Report.

"Your Committee in compliance with the instructions of your Honourable House — "to take into consideration the amount of salary, "allowances, and perquisites, enjoyed by the Clerk of the House when "in office in the late Province of *Lower Canada*, as Clerk to the "House of Assembly, and Clerk to the Special Council of that Province" — have inquired into the same accordingly, and find that in addition to his salary of £500 per annum, that officer was allowed

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4th Report of  
Committee on  
Contingencies.

£100 per annum for house rent, £100 per annum for superintending the printing of the Ordinances, and one per cent on the monies paid out by him, in addition to which, while attending the Special Council at *Montreal*, he received 15s. per diem to cover the extra expenses incurred by him while absent from home. Your Committee therefore submit a resolution to allow this officer, in addition to his salary the sum of £100, for house rent and fuel, and one per cent on all disbursements made by him on account of the contingent expenses of the House.

Your Committee have had an application from the Assistant Clerk of your Honourable House, stating that when he held the same office in *Lower Canada*, he received a salary of £400 per annum, in addition to which it was his duty to translate the Journal of the House into the *French* language, which produced him annually a sum averaging from £65 to £84, but that in his present situation, though his salary remains the same, the translation of the Journals is performed by officers appointed for the purpose, in consequence of which he is deprived of a portion of his income. From the long standing of the applicant as an Officer of the Legislature, Your Committee cannot refuse to submit, for the consideration of Your Honourable House, a blank Resolution, to be filled up with such sum as may be considered sufficient to compensate him for the same.

With reference to the Petition of *Maria McCrea*, Your Committee have ascertained that she was placed in the Parliament Buildings to take charge thereof, by the Clerk to the Honourable the Legislative Council, before the commencement of the present session, with the expectation of being appointed to the situation of House-keeper, the duties of which, she has since continued to perform; but it having been decided that that appointment shall be given to the Chief Messenger, your Committee recommend that such sum be allowed her as to your Honourable House may seem meet, for her services during the present session, and to compensate her for the expenses necessarily incurred under the circumstances, and the disappointment she has experienced.

Your Committee have had an application from the Sergeant-at-Arms, stating that his present salary of £100 per annum is totally inadequate to his support, and praying for an addition thereto out of the contingencies of the House. Your Committee find that the Serjeant-at-Arms of the late House of Assembly of *Upper Canada*, received £50, per annum, by warrant from the Executive Government, and £100 additional, by annual vote of the House; they conceive that the salary of this Officer is not, at present, adequate to his services and station, and therefore report a blank resolution, for such additional allowance as to your Honourable House may appear proper.

An order having been passed by your Honourable House, that upon persons being summoned to give evidence before any Committee of the House, an account of the expenses of such witnesses should be laid before this Committee, that they may report thereupon; they

therefore beg to state, that they have examined, in accordance thereto, the following accounts of the expenses of certain witnesses called before the Committee to which were referred the Petitions of *Peter Lepard*, *W. W. Baldwin*, and others, and of *Joseph Milburn*, relative to certain riots on *Yonge* street in the *Home* District, and also at the City of *Toronto*, which accounts (the said witnesses having been called on public business) your Committee report accordingly, viz. : —

<i>John Lindsay</i> , (on Pet. of <i>Lepard</i> ,)	£ 4	15	0
<i>P. Lepard</i> , do	4	10	0
<i>J. Dallas</i> , do	6	5	0
Carried forward	£15	10	0

(623)

Report of Committee  
on Contingencies.

Brought over	£15	10	0
<i>J. Cummer</i> , (on Pet. of <i>Lepard</i> )	3	15	0
<i>J. Eliot</i> , do	4	5	0
<i>J. Trotter</i> , do	4	10	0
<i>F. Jakes</i> , do	4	5	0
<i>J. Buchan</i> , do	4	5	0
<i>J. Snider</i> , .. do	4	5	0
<i>W. B. Crew</i> , do	5	12	6
<i>J. Milburn</i> , (on Pet. of <i>Baldwin</i> , et. al.)	4	0	0
<i>J. Munshaw</i> , (on Pet. of <i>J. Milburn</i> )	4	0	0
Amounting to the sum of	£54	7	6

For which a Resolution is provided.

The Parliament Building in *Toronto* having been left in charge of *Aeneas Bell*, late chief messenger of the Assembly of *Upper Canada*, your Committee have prepared a Resolution to allow him for the same at the rate of 3s. 9d. per diem from the commencement of the present Session (when his salary ceased) until the end of the present month, at which time the charge will be delivered over to the President of the Board of Works.

Your Committee beg leave also to report a Resolution in favor of *King Barton*, the House Page, allowing him the sum of £10 in addition to his salary for the present Session.

Your Committee beg leave to recommend that an allowance be made to the chief messenger, to enable him to secure the services of a boy to assist him in attending the House during the ensuing Session — and have therefore prepared a blank Resolution for that purpose.

Your Committee, finding some difficulty to have arisen respecting the amount to be paid to the door-keeper by warrant from the Executive Government, beg leave to recommend that he be allowed the sum of £20, in addition to the salary settled upon him by your Honourable House, thus settling his salary for the present year at £80, to include all allowances, from whatever source.

*Estimate of the Amount required to meet the Expenses of the  
Legislative Assembly, during the current year.*

## CLERK'S OFFICE.

Salaries of Clerks, Translators, &c., from 14th June to 31st December, 1841	£ 2,074	5	10
Stationery	450	0	0
Indexing Journals, on account	100	0	0

## LIBRARY.

Salaries of Librarian and Deputy to 31st Dec. ....	165	4	1½
Purchase of Books .....	300	0	0
Newspapers .....	110	0	0
Doorkeepers and Messengers .....	520	0	0

## PRINTING.

Printing Bills, &c., during Session .....	900	0	0
Printing Journals ( <i>French and English</i> ) ....	2,800	0	0
Paper for do .....	250	0	0
Binding do .....	250	0	0
Carpenter's work .....	250	0	0
Post Office .....	1,650	0	0
Freight of stoves from <i>Toronto</i> , £20 — wood, £60 — cutting do, £15 .....	95	0	0

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Carried forward ..... £ 9,914 9 11½

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Report of Committee  
on Contingencies.

Brought over .....	£ 9,914	9	11½
Amount required to complete service of <i>Upper and Lower Canada</i> —the estimate allowed (£5000) having fallen short of the sum required by this amount .....	117	11	4
To pay sundry accounts audited by the Committee on Contingencies, for articles furnished, &c., during the present Session .....	601	11	11½
Probable amount required to pay Resolutions to sundry individuals recommended in this report .....	480	0	0
	£11,113	13	3"

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House in Com. to  
make good advances  
for Contingencies of  
last Session U. C.

The Order of the day for the House in Committee to take into consideration the expediency of providing for the balance of the contingent expenses of the last Session of the Legislature of *Upper Canada*, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Williams*, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Resolution reported.

And Mr. *Williams*, reported that the Committee had come to a Resolution ((which)) was again read at the Clerk's table, and agree to by the House and is as followeth : —

Resolution granting  
£6,800 14s. 1¼d.

*Resolved* — That a sum not exceeding six thousand eight hundred pounds, fourteen shillings, and one penny three farthings, currency, be granted to Her Majesty to make good the like sum issued and paid by Her Majesty's Governor General, in conformity with an address by the late House of Assembly of that part of this Province formerly *Upper Canada*, for the payment of the contingent expenses of the last session of the Legislature of *Upper Canada* aforesaid.

Bill to cover  
Contingencies of last  
Sess., U. C.,  
brought in.

*Ordered* — That Mr. *Thorburn*, have leave to bring in a Bill to make good certain sums advanced to defray the contingent expenses of the two Houses of the Legislature of the late Province of *Upper Canada*.



He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be now read a second time.

The said Bill was accordingly read a second time.

*Ordered* — That the said Bill be engrossed.

On motion of the Honourable Mr. *Harrison*, seconded by Mr. *Parke*,

*Resolved* — That the following humble address be presented to His Excellency, the Governor General : —

Address to His  
Exc'y. to transmit to  
Her Majesty the Bill  
for sale of public  
lands ordered.

To His Excellency the Right Honourable *Charles Baron Sydenham*, of *Sydenham* in the County of *Kent*, and of *Toronto* in *Canada*, one of Her Majesty's Most Honourable Privy Council, Governor General of *British North America*, and Captain General and Governor in Chief in and over the Provinces of *Canada*, *Nova Scotia*, *New Brunswick* and the Island of *Prince Edward*, and Vice Admiral of the same.

May it please your Excellency,

We, Her Majesty's dutiful and Loyal Subjects, the Legislative Council and Legislative Assembly of the Province of *Canada*, in Provincial Parliament assembled, beg leave to inform your Excellency that we

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have, during the present Session, passed a Bill intituled "*An Act for the disposal of Public Lands*," which Bill contains clauses, relating to and affecting Her Majesty's prerogative touching the granting of waste Lands of the Crown within the said Province : and we therefore pray that, in order to give effect to the said Bill, your Excellency will be pleased to cause it to be transmitted to *England*, without delay, for the purpose of its being laid before Parliament, previously to the signification of Her Majesty's assent thereto.

*Ordered* — That the said address be engrossed.

Address to be  
communicated to  
Leg. Council.

*Ordered* — That the said address be communicated, by message, to the Legislative Council, requesting the concurrence of their Honours thereto.

*Ordered* — That the Honourable Mr. *Harrison*, do carry the said message to the Legislative Council.

House in Com. on  
Report on Petition of  
J. S. Baldwin and  
others.

The Order of the day for the House in Committee on the report of the Select Committee to which was referred the Petition of *J. S. Baldwin*, and others, Citizens of *Toronto*, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Merritt*, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Address to Her  
Majesty reported.

And Mr. *Merritt*, reported that the Committee had agreed to an humble address to Her Majesty, which address was again read at the Clerk's table, and is as followeth : —

TO THE QUEEN'S MOST EXCELLENT MAJESTY :

MOST GRACIOUS SOVEREIGN :

Address to Her  
Majesty respecting  
the seat of  
Government

We, Your Majesty's most dutiful and loyal subjects, the Legislative Assembly, of *Canada*, in Parliament assembled, humbly beg leave to approach Your Majesty with renewed expressions of our devoted attachment to Your Royal Person and Government.

We would, most respectfully, beg leave to represent to Your Majesty, that the Inhabitants of the, now, Province of *Canada*, having never been expressly called upon to offer an opinion upon the Union of the Provinces of Upper and Lower *Canada*, do not presume, on the present occasion, to obtrude upon Your Majesty our views and opinions on that measure ; but content ourselves, now that it has taken place,

with expressing our fervent wishes that every advantage, contemplated by its promoters, may be fully realized.

That the Inhabitants of these Provinces did not anticipate, from the adoption of the union, that the vital interests of any portion were likely to be jeopardized, as recent events seem to threaten, because there is no principle in Legislation more fully established than that when a Law, though necessary for the good of the Community, bears severely on particular Sections, and causes serious loss and inconvenience, such loss and inconvenience should be as fully remunerated as possible, at the expense of the public, for whose benefit it is sustained.

That, in considering the union of the Provinces, the Inhabitants of the Cities of *Quebec* and *Toronto* did not conceal from themselves the possibility of being called upon to make greater sacrifices than the Inhabitants of any other part of the Province; but they did not anticipate any greater disadvantage than what might arise from holding the Provincial Parliament alternately at *Toronto* and *Quebec*; for they assured themselves that their Most Gracious Sovereign, the Queen, in the ex-

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Address to Her  
Majesty respecting  
the seat of  
Government.

ercise of Her just prerogative, would be entirely directed, in selecting the place for convening the Legislature, by a due regard to existing claims, and interests, as well as the general convenience of the Province.

That, while the question of the Union was under discussion, only two places seemed to offer any just Claims to become the seat of Government — *Quebec* and *Toronto* — both had been the Capitals of their respective Provinces, from the very first; they possessed all the necessary convenience, and the great interests which had grown up in each respectively, from the fact of their being the seat of Government, required favourable consideration.

That the vast extent of the United Province, (sufficient, in the practice of our neighbours, to constitute six or seven Sovereign States) seems to render any position, however near the centre, undesirable as the permanent place for the meeting of Parliament for the following, among other reasons :

The great object of the Union is to amalgamate, as soon as possible, into one people, the population of both Provinces; gradually but gently to assimilate their laws and customs, their hopes and interests. We respectfully beg leave to express our sincere conviction that no measure can, with equal facility, quicken such happy results as causing the Legislature to meet four years in the midst of one population, and four years in the midst of the other.

The Representatives of Eastern and Western Canada would thus become acquainted with the respective Inhabitants; their habits and views; their wants and expectations, and become able to meet their just desires; and to adopt such measures as will, without violence to any feelings, or even prejudices, transform them, in a reasonable time, into one people.

That the measure of alternate Parliaments, in like circumstances, is not without many precedents, and in the present case will be attended with many essential and paramount advantages. The only objection that can be raised must be confined to a small matter of expense which will bear no proportion to the interest of the very large sums required for erecting such buildings to accommodate the Legislature, and the several Public Departments, as already exist at *Toronto* and *Quebec*.

That although these may be deemed among the leading points in favour of alternate Parliaments at *Quebec* and *Toronto*, there are other reasons, to which, though some what of a local nature, we would respectfully pray Your Majesty's consideration. *Toronto* from the change of the seat of Government is threatened with even greater loss than *Quebec*, from the removal of the Superior Courts. Now such removal would be of great and serious disadvantages to Western Canada. *Toronto* is very nearly in its centre, being about 280 miles from the Point au Baudet, the Eastern extremity, and 270 miles from Amherstburg, the

Western ; and therefore convenient, beyond all other places, for transacting the public business of the Province.

It has all the public buildings required, and as the Laws, Customs, and habits, of the two Provinces, differ essentially, at present, many years may elapse before they can be assimilated so as to unite the Judiciary.

Add to all this the fact that seven-tenths of the population of Western Canada must always be found west of the *Bay of Quinté*, and to them the loss and inconvenience of managing their business will be greatly increased should the Courts be removed from *Toronto* ; and all this without the slightest equivalent.

That many of the inhabitants of the late Provinces of *Lower* and *Upper Canada*, relying on the emphatic language of His late Majesty

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Address to Her Majesty respecting the seat of Government.

King WILLIAM the fourth, "that a Union of the Provinces of *Upper* and *Lower Canada* was not a measure fit to be recommended to Parliament" and therefore not anticipating any such enactment did, under the conviction that *Toronto* and *Quebec* would continue the seat of Government in their respective Provinces, expend the greater part of their means on fixed property, and will therefore, be impoverished, and many of them exposed to the greatest sacrifices should the seat of Government be wholly removed.

Indeed the loss to merchants and tradesmen begins already to be felt, and to some it will prove utter ruin, all must suffer should there be no remedy ; for the depreciation of real property cannot, under such a disastrous event, be less than several hundred thousand pounds.

Wherefore we most earnestly entreat that Your Majesty, in the exercise of Your Royal prerogative, will be pleased to order that the Parliament of Canada, hereafter, assemble alternately at *Quebec* and *Toronto*, the respective capitals of the late Provinces of *Upper* and *Lower Canada*, or should such prayer be thought unadvisable, and any other measure be adopted, that adequate and just remuneration be granted for the loss sustained by the inhabitants of *Toronto* and *Quebec*.

(Attest,)

W. B. LINDSAY,  
Clerk Assembly.

16th September, 1841.

Sir Allan MacNab moved, seconded by Mr. Buchanan,

Motion to concur in Address.

That this House doth concur with the Committee in the said Address to Her Majesty.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth : —

YEAS.

Armstrong,	Christie,	Moore,	Steele,
Aylwin,	Dunn, Hon. J.H.	Neilson,	Taché,
Baldwin,	Durand,	Parent,	Taschereau,
Barthe,	Hincks,	Quesnel,	Thompson,
Black,	Hopkins,	Ruel,	Turcotte,
Buchanan,	McNab, Sir A.N.	Small,	Viger, Hon. D.B.
Campbell,	Merritt,		(26).

NOES.

Cameron,	De Salaberry,	Johnston,	Roblin,
Cartwright,	Dunlop,	McDonald, (Pres.)	Simpson,
Cook,	Foster,	Morris,	Smith, (Fron.)
Daly, Hon. D.	Gilchrist,	Ogden, Hon. C.R.	Smith, (Went.)
Day, Hon. C.D.	Harrison, Hon. S.B.	Parke,	Sherwood. — 21.
Derbshire,			



Carried.

So it was carried in the Affirmative, and —

*Resolved* — Accordingly.

Address to be  
engrossed.

Sir *Allan MacNab* moved, seconded by the Honourable Mr. *Dunn*,  
That the said Address be engrossed.

The question having been put upon the said motion, a division  
ensued,

Yeas, 26.

Noes, 21.

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And the names being called for, were taken down as in the last  
preceding division.

So it was carried in the Affirmative, and —

*Ordered* — Accordingly.

Address to His  
Excellency to  
transmit above  
Address ordered.

Mr. *Small* moved, seconded by Sir *Allan MacNab*,

That an humble Address be presented to His Excellency, the Gov-  
ernor General, informing His Excellency, that this House hath voted  
an humble Address to Her Majesty, upon the subject of the Seat of  
Government, and praying that His Excellency would be pleased to  
transmit the said Address to Her Majesty's Government in *England*,  
to be laid at the foot of the Throne.<sup>1</sup>

Mr. *Cartwright* moved an amendment, that the committee do rise.<sup>2</sup>

Sir *A. MacNab* opposed the amendment. The people, he said, had never been consulted  
on the expediency or utility of the change, it having emanated from the Representative of  
the Sovereign. In his opinion an indemnity ought to be given to the inhabitants of Toronto and  
Quebec, for the losses sustained by them, owing to its removal. The expenses incurred by  
the desertion of the strong hold of the Family Compact, (his own words) he said, had been  
kept in the dark, and that the outlay at least amounted to about £30,000.<sup>3</sup>

Mr. *Johnston* was of opinion that Bytown ought to be selected, being a central position  
and easily fortified. —<sup>4</sup>

Dr. *Dunlop* remarked that the petitioner Mr. Baldwin, was a gentleman from whom Sir  
Allan had received many kindnesses, and upon whom he had probably conferred as many, —  
the interest that he Sir Allan took in the business might therefore be estimated without dif-  
ficulty. With respect to having two seats of government, he said, they would then have only  
half a library left at one place, and as two removes were as good as fire, he thought the library  
might as well be burnt altogether.<sup>5</sup>

Some insinuations ((were)) thrown out upon Mr. *Hincks* remissness, when the interests  
of Toronto were concerned....<sup>6</sup>

((Mr. *Hincks*)) repudiated them, remarking, that his vote on the present occasion would  
prove whether they were justifiable or not.<sup>7</sup>

Mr. *Buchanan* said, the Hon. member must remember that we already have two  
libraries. He (Mr. *Buchanan*) could not see in the question of the seat of Government  
any thing to make sport of, and could consider attempts of that nature only as a cloak  
to cover the total want of any good reason for the removal of the seat of Government,  
beyond that there did exist in Toronto what was called the Family Compact! Hon. members  
might affect to make light of it, but the decision as to the seat of Government was one that  
deeply affected his constituents, the citizens of Toronto, as well as the whole of the inhabi-  
tants of the Home District. It could not be denied that the removal had injured the prospects  
of the most enterprising and finest agricultural neighborhood in the Province, nor, that where  
the Government was for the present located there was literally no country to benefit, but that  
nearly all the Government money paid out at Kingston would go to the United States. It were  
absurd to suppose the Assembly having no opinion on this vital subject, and having a decided  
opinion, their not expressing it was only to have the matter in the hands of others much less

interested in its proper settlement. It is allowed that great benefit has already accrued through bringing the Lower Canadian members to Kingston, — much more would have been obtained by their being brought to Toronto, and our being hereafter taken to Quebec. — Unless the Executive can give better reasons for the Government being retained at Kingston, the address before the House will pass with a large majority, and could not fail to have a great effect in the final decision of the Home Ministry, regarding the Seat of Government.<sup>8</sup>

**Capt. Steele** supported the address, prognosticating that Toronto would become the Queen of the West.<sup>9</sup>

**Mr. Harrison** remarked, that Sir Allan's scheme was not cunningly devised, he having to gain a party enlisted the French Canadians on his side. The plan proposed, he said, would amount to having a peripatetic government. As to which was or was not the best place for it, — he thought if it was not for its position, the selection ought to be given in favour of Quebec.<sup>10</sup>

**Mr. Dunn** supported the address. One reason of the hon. member's was, because too much of our money fell into the hands of the Yankees, from the inability of the country around Kingston to supply it. He had advocated the union, he said, and in his opinion no measure would be so likely to render it beneficial, as the carrying out of the prayer of the address.<sup>11</sup>

**Mr. Viger** was of opinion that having the government alternately at Toronto and Quebec, as proposed, would do much to remove prejudices, and make known to the inhabitants of each section of the province mutually the habits and opinions of each other.<sup>12</sup>

**Mr. Neilson** observed, that having two sets of government officers, it must be evident they were kept for that purpose. (Laughter.) If the provinces were to remain one, he would cheerfully submit to the exercise of the royal prerogative, although at the same time, there could be no harm in expressing an opinion relative to it. The member for Hamilton, remarked that there was a division of opinion on the subject among the government officers, and that now was the time to strike. An objection, he said, had been made to Kingston because it had no soil, — he contended it had; the misfortune however was, that there was not enough of it.<sup>13</sup>

**Mr. Henry Smith** denominated Toronto a "swampy mud hole," where during the last rebellion the greatest risk had been run of losing all the public records. He would, however, vote *either for Toronto or Quebec — but not for both*.<sup>14</sup>

**Mr. Cartwright's** amendment was then negatived....<sup>15</sup>

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The question having been put upon the said motion, a division ensued,

Yeas, 26.

Noes, 21.

And the names being called for, they were taken down as in the last preceding division.

So it was carried in the affirmative, and —

*Resolved* — Accordingly.

*Ordered* — That the said Address to His Excellency, the Governor General, and also the Address of this House to Her Majesty, be presented to His Excellency, by such members of this House as are of the Honourable the Executive Council of this Province.

Sydenham Harbor  
Bill passed.

An engrossed Bill to incorporate certain persons therein named, under the style and title of "The Sydenham Harbor Company," was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Small* do carry the said Bill to the Legislative Council, and desire their concurrence.

Bill to cover  
contingencies of last  
Sess., U. C., passed.

An engrossed Bill to make good certain sums advanced to defray contingent expenses of the two Houses of the Legislature of the late Province of *Upper Canada*, was read for the third time.

*Resolved* — That the Bill do pass,

*Ordered* — That Mr. *Thorburn* do carry the said Bill to the Legislative Council, and desire their concurrence.

House in Com. on  
Anatomical School  
Bill.

The Order of the day for the House in Committee on the Bill for the establishment of Anatomical Schools, and for the encouragement of anatomical science, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Taschereau* took the chair of the Committee, and after some time spent therein,

Committee rises.

Mr. Speaker resumed the chair.

House in Com. on  
Bill to extend certain  
privileges to Haldi-  
mand and Simcoe.

The Order of the day for the House in Committee on the Bill to extend to the Counties of *Haldimand* and *Simcoe*, respectively, certain privileges which they could not otherwise enjoy until they should be finally constituted Districts, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Parent* took the chair of the Committee, and after some time spent therein,

Bill reported  
amended.

Mr. Speaker resumed the chair.

And Mr. *Parent* reported, that the Committee had gone through the

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Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table, and agreed to by the House.

Bill to be engrossed.

*Ordered* — That the said Bill, as amended, be engrossed.

House in Com. on  
Report on Petition of  
J. B. Ewart  
& others.

The Order of the day for the House in Committee on the report of the Select Committee to which was referred the Petition of *James B. Ewart*, and others, of the Townships of *West Flamborough*, *Beverly*, and other places, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Simpson* took the chair of the Committee, and after some time spent therein,

Committee rises.

Mr. Speaker resumed the chair.

House in Com. on  
U. C. Copy-rights  
Bill.

The Order of the day for the House in Committee on the Bill for the protection of copy rights in that part of the Province formerly constituting *Upper Canada*, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Johnston* took the chair of the Committee, and after some time spent therein,

Bill reported  
amended.

Mr. Speaker resumed the chair,

And Mr. *Johnston* reported, that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table, and agreed to by the House.

Bill to be engrossed.

*Ordered* — That the said Bill, as amended, be engrossed.

On motion of Mr. *Thorburn*, seconded by Captain *Steele*,

House in Com. on  
4th Report of Com.  
on Contingencies.

*Ordered* — That the fourth report of the Special Committee on the contingent accounts, and other expenses of the present session, be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Captain *Steele* took the chair of the Committee, and after some time spent therein,

Progress reported.

Mr. Speaker resumed the chair,

And Captain *Steele* reported that the Committee had made some progress and had directed him to move for leave to sit again.

*Ordered* — That the said Committee have leave to sit again at the next sitting of the House.

Message from  
Leg. Council.

A message from the Legislative Council, by *John Godfrey Spragge*, Esq., Master in Chancery.



MR. SPEAKER,

Bill to extend operation of Banks to the whole Province, sent down for concurrence.

The Legislative Council have passed a Bill, intituled "*An Act to authorize the Banks heretofore chartered by Acts of the late Provinces of Upper or Lower Canada, to carry on their business throughout this Province,*" to which they desire the concurrence of the Assembly.

And also —

LEGISLATIVE COUNCIL, 16TH SEPTEMBER, 1841.

Address to His Excellency to transmit Public Lands sale Bill concurred in.

*Ordered* — That the Master in Chancery do go down to the Legislative Assembly, and acquaint that House that the Legislative Council have concurred in the address to His Excellency, the Governor General, praying His Excellency to transmit to *England* the Bill passed by the two Houses entitled "*An Act for the disposal of the Public Lands,*" and have appointed the Honourable Messieurs *Sullivan* and *Morris*, to be a Committee on their part, who will be ready forthwith to meet a Committee on the part of the Legislative Assembly, for the purpose

Com. on Leg. Council to carry up Address.

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of waiting upon the Governor General, to know when His Excellency would be pleased to receive the said Address, and to present the same.

(Attest.)

JAMES FITZGIBBON,  
Clerk Leg. Council.

And then he withdrew.

Bill to extend operation of Banks (Leg. Coun.) read 1st time.

An engrossed Bill from the Legislative Council, intituled "*An Act to authorise the Banks heretofore chartered by Acts of the late Provinces of Upper or Lower Canada to carry on their business throughout this Province,*" was read for the first time.

On motion of the Honorable Mr. *Harrison*, seconded by Mr. *Cameron*.

Com. to meet Com. of Leg. Council, to carry up above Address.

*Resolved* — That a Committee of four Members be appointed, on the part of this House, to meet a Committee on the part of the Legislative Council, for the purpose of waiting upon His Excellency, the Governor General, to know His Excellency's pleasure when he would be pleased to receive the joint Address of both Houses on the subject of the Bill, intituled "*An Act for the disposal of Public Lands,*" and to present the same.

*Ordered* — That the Honorable Mr. *Harrison*, Mr. *Cameron*, Mr. *Hopkins*, and Mr. *D. McDonald*, do compose the said Committee.

*Ordered* — That the said Resolution and Order be communicated, by Message, to the Legislative Council.

*Ordered* — That the Honorable Mr. *Harrison* do carry the said Message to the Legislative Council.

On motion of Mr. *Black*, seconded by Mr. *Quesnel*,

Bill to extend operation of existing Banks (Leg. Council) read 2nd time.

*Ordered* — That the engrossed Bill from the Legislative Council, intituled "*An Act to authorise the Banks heretofore Chartered by Acts of the late Provinces of Upper or Lower Canada to carry on their business throughout this Province,*" be now read a second time.

The said Bill was accordingly read a second time.

*Ordered* — That the said Bill be now read for the third time.

Bill read 3rd time, and passed.

The said Bill was accordingly read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. *Black*, do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath passed the same, without any amendment.

At 5 o'clock, Mr. Speaker declared the House adjourned, until 7 o'clock P. M.

7 o'clock, P. M.

Bill to extend certain privileges to Haldimand and Simcoe, passed.

An engrossed Bill to extend to the Counties of *Haldimand* and *Simcoe*, respectively, certain privileges which they could not otherwise enjoy, until they should be finally constituted Districts, was read for the third time.

*Resolved* — That the Bill do pass, and the title be "*An Act to extend to the Counties of Haldimand and Simcoe, and a part of the County of Kent, certain privileges, which they could not otherwise enjoy, until they should be finally constituted Districts.*"

*Ordered* — That Mr. *Thompson*, do carry the said Bill to the Legislative Council, and desire their concurrence.

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House in Com. on 4th Report of Com. on Contingencies.

The Order of the day for the House in Committee on the fourth report of the Special Committee on the contingent accounts and other expenses of the present Session, being read,

The House accordingly resolved itself into the said Committee.

Captain *Steele*, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

Resolutions reported.

And Captain *Steele*, reported that the Committee had come to several Resolutions, which Resolutions were again read at the Clerk's table, and agreed to by the House, and are as followeth : —

1st Resolution :  
£100 to Clerk, for house rent, &c.

*Resolved* — That there be allowed to the Clerk of this House the sum of £100, in addition to his salary, to pay house rent and fuel for the present year.

2nd Resolution :  
1 per ct. to Clerk on all payments.

*Resolved* — That the Clerk of this House be allowed one per cent on all payments made by him on account of the contingencies of this House.

3rd Resolution :  
£60 additional to Clerk Assistant.

*Resolved* — That there be allowed to the Clerk Assistant the sum of £60, in addition to his salary for the present year.

4th Resolution :  
£20 to Mrs. McCrea, as House-keeper.

*Resolved* — That the Clerk of this House be directed to pay to *Maria McCrea*, the sum of £20, for her services in performing the duties of house keeper during the present Session, and to remunerate her in full for all expenses she may have incurred.

5th Resolution :  
£50 additional to Sergeant at Arms.

*Resolved* — That there be granted to the Serjeant at Arms of this House, the sum of £50, in addition to his salary for the present year.

6th Resolution :  
£54 7s. 6d. for payment of witnesses.

*Resolved* — That the sum of £54 7 6, be granted to defray the expenses of certain persons who have been summoned to give evidence before a Select Committee of this House (as per fourth Report of Select Committee on contingencies.)

7th Resolution :  
£18 15s. to *Æneas Bell*.

*Resolved* — That there be allowed to *Æneas Bell*, late chief Messenger to the House of Assembly of *Upper Canada*, the sum of £18 15, for taking charge of Parliament Building at *Toronto*, from the commencement of the present Session to the end of this month.

8th Resolution :  
£10 additional to House Page.

*Resolved* — That the sum of £10, be granted to *King Barton*, the House Page, in addition to his allowance for the present Session.

9th Resolution :  
£25 to Chief Messenger, for a boy.

*Resolved* — That there be allowed to the Chief Messenger of this House, in addition to his salary of £100, the sum of £25, to enable him to procure the services of a boy to attend during the recess.

10th Resolution :  
£20 additional to Door keeper.

*Resolved* — That the sum of £20 be allowed to the door keeper of this House, to make his salary, including every allowance, up to £80.

On motion of Mr. *Thorburn*, seconded by Captain *Steele*,

Address to His Exc'y. to advance £11,063 13s. 3d. for payment of contingencies, ordered.

*Resolved* — That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to issue his warrant in favor of *William Burns Lindsay*, Esquire, the Clerk of this House, for the sum of eleven thousand and sixty three pounds, thirteen shillings, and three pence, currency, towards defraying the contingent expenses of this House, and assuring His Excellency

that this House will make good the same during the next Session of the Legislature.

*Ordered* — That the said Address be presented to His Excellency by such Members of this House, as are of the Honourable the Executive Council of this Province.

Message from  
Leg. Council.

A message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery.

MR. SPEAKER,

Bills passed  
Leg. Council.

The Legislative Council have passed the following Bills, without any amendment.

L'Assomption  
College Bill.

*"An Act to incorporate the College of L'Assomption in the County of Leinster."*

Quebec Board of  
Trade Bill.

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*"An Act to incorporate the Quebec Board of Trade."*

Bill to amend Mont.  
and Pointe au Beau-  
det Rail Road  
Ordinance.

*"An Act to extend the provisions of An Ordinance of the Legislature of the late Province of Lower Canada, intituled 'An Ordinance for making a Rail Road from the City of Montreal to the Province line, 'at or near Pointe au Beaudet'."*

Bill for erection of  
certain Light Houses.

*"An Act to provide for the construction of certain Light Houses within the Port of Montreal."*

Public Improvements  
Bill.

*"An Act to appropriate certain sums of money for public Improvements in this Province, and for other purposes therein mentioned."*

Bill to defray certain  
expenses of steam  
dredge.

*"An Act to appropriate a certain sum of money to defray certain expenses relative to the Provincial Steam Dredge of Upper Canada, and for other purposes relative to the said Steam Dredge."*

Bill to make a grant  
to Victoria College.

*"An Act to grant a certain sum of money as an aid to the Victoria College."*

Quebec Trinity  
House Bill.

*"An Act to repeal and amend, in part, certain Acts, and a certain Ordinance, therein mentioned, and to extend the power, and increase the funds, of the Corporation of the Trinity House of Quebec."*

And also —

Bill granting  
salaries to Officers of  
the Legislature sent  
down amended.

The Legislative Council have passed the Bill intituled *"An Act to make provision for the payment of the salaries and allowances of certain Officers of the Legislature for a limited period, and other purposes,"* with an amendment, to which they desire the concurrence of the Assembly.

And then he withdrew.<sup>16</sup>

The Bill having been laid on the table ... the Usher of the Black Rod ((was)) in the act of making the last of his three graceful bows, when **Mr. Johnston** seized the obnoxious parchment, exclaiming — "Misther Spaiker (sic) — I won't insult you, nor this Honourable House, by supposing, for a moment, you would ever take this Bill into consideration"; and suiting the action to the word, he tossed it nearly to the ceiling, and, as it descended to the floor, bestowed on it a kick, so vigorous, as to send it within a few feet of the Bar....<sup>17</sup>

**Messrs. Parent, Barthe, and Christie**, then jostling each other, fairly kicked it out of the House.<sup>18</sup>

**Sir A. MacNab** moved that strangers withdraw — which being complied with, he inveighed, in good set terms, against this outrage, but finding the House were agreed on the matter of *fact*, though there might be some discrepancies of opinion as to matter of *form*, he gave in with the best possible grace.<sup>19</sup>

**Mr. Harrison** rose, so soon as order could be restored, and stated that the Legislative Council had thought it proper to strike out a money clause from a Bill, which was, he must admit, unconstitutional and irregular — a breach of their privileges, and one which left him but one course to pursue — and, painful as it was, he should not shrink from the duty imposed upon him; that duty was to send back the Bill, in its original state, to that body — and he hoped they would see the propriety of retracing their steps.<sup>20</sup>



Mr. Harrison's announcement was heard with great satisfaction by the House, and was loudly cheered from all parts of it.<sup>21</sup>

Mr. Aylwin thought it might be a better plan to address His Excellency the Governor General, to order the money to be paid, and pledging the House to repay it.<sup>22</sup>

This, however, was over-ruled — at least till another effort had been made with the other Branch of the Legislature.<sup>23</sup>

The Bill was accordingly, carried back, and, after a warm discussion, the clause was allowed to stand, and the difficulty removed.<sup>24</sup>

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House in Com. on amendments of Leg. Council, to Religious Societies Lands Bill.

The Order of the day for the House in Committee on the amendments made by the Legislative Council to the Bill intituled "*An Act to enable religious societies of all denominations of Christians to hold the lands requisite for certain purposes therein mentioned*," being read,

The House accordingly resolved itself into the said Committee.

Mr. Roblin took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair.

Com. rises.

House in Com. on case of A. Manahan.

The Order of the day for the House in Committee, in the report of the Special Committee to which was referred the Address passed by the late House of Assembly of *Upper Canada*, in favor of *Anthony Manahan*, Esquire; being read,

The House accordingly resolved itself into the said Committee.

Mr. *Derbshire* took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair.

And Mr. *Derbshire* reported that the Committee had come to a Resolution which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:—

Resolution reported. Resolution for Address to His Excellency in behalf of A. Manahan, Esq.

*Resolved* — That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to consider the claim of *Anthony Manahan*, Esquire, for losses sustained by him in consequence of the illegal seizure of his property by the collector of the Port of *Kingston*, on *Carleton Island*, in the year 1821, in accordance with the report and Address of the House of Assembly of the late Province of *Upper Canada*.

*Ordered* — That the said Address be presented to His Excellency, by such Members of this House as are of the Honourable the executive Council of this Province.

House in Com. on Report on Petition of R. F. Gourlay.

The order of the day for the House in Committee on the report of

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the Select Committee to which was referred the Petition of *Robert F. Gourlay*, of *Kingston*, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Gilchrist* took the Chair of the Committee,

Dr. Dunlop brought up the case of Mr. Gourlay. He said that having gone so fully into the facts of Mr. Gourlay's case on a former occasion, he should not now go over the same ground. He would only briefly recapitulate what he had before stated at length. He then went over the facts as stated in the same report before the House in a condensed form — it was now necessary to answer some of the objections that on a former occasion had been urged against his arguments. It had been stated that the banishment of Mr. Gourlay was legal, inasmuch as a law existed under which he was prosecuted. He denied the legality upon two distinct and separate grounds: in the first place, he denied the power of any body on the face of the earth, whether King, Lords, Commons of Great Britain, or the Governor, Council, and Assembly of Canada, to enact a law by which a British subject unconvicted or uncharged

with any crime, could be debarred from going or residing in any portion of the British dominions, but supposing such a law could be made, in Mr. Gourlay's case it was most illegally exercised. The law referred to, an Act of 1804, of the Provincial Parliament of Upper Canada, provided that a British subject who had not been an inhabitant of the Province for six months might be expelled as Mr. Gourlay was, but it was in evidence before the Committee, and indeed notorious to the whole Province, that Mr. Gourlay was an inhabitant more than two years of the Province. How was the objection to be got over? Why by a most lawyer-like and quibbling construction as to the meaning of habitancy; the judge informed the astonished jury that to constitute habitancy a man must possess a dwelling of his own — living in the house of another could not make a man an inhabitant. Now let us consider the effect of this beautiful legal subtlety. A child is born in Canada. He lives for a certain number of years in his father's house — he then goes into service, or at any rate he lives in the house of another, where he may live till the age of three-score and ten, and die at a good old age, without ever having been an inhabitant of Canada, or of any other country, or of this world itself. He (Dr. D.) had been accused of having made use of strong language in the report of the committee. He acknowledged having drawn up that report, and had he to draw it over again he would not soften a word of it. What language, he would wish to know, was too strong to denounce tyranny and oppression; what language too strong to stigmatize cruelty and injustice? None, thank God, that a Briton knew. — He now came forward to call upon the sense of honour of that House to do as far as they could do justice to a much injured individual, compensation he did not ask for, for the very simple reason that the House had it not in its power to bestow compensation. What could compensate a man for 22 years of complicated misery, for imprisonment, for legal infamy, for ruined health, and for a shattered constitution. Had this House voted to Mr. Gourlay the enormous sums which they had voted away within the last fortnight, it would be no compensation to him for what he has suffered, for who would endure his sufferings for any thing that the world has to bestow. He hoped that the House would not lose a moment in wiping away as far as they could the foul stain that had been put on the name of a British Colony, as far as their reprobation of all the acts of unparalleled injustice under which he (Mr. Gourlay) had suffered. Till that was done Mr. Gourlay only held his life until further orders. He sat now at the bar of the House, and according to the dicta of the defenders of the Government — the Governor General might legally, and he hoped the defenders of the measure would add constitutionally, order the sheriff of Kingston to drag him from his seat, and hang him on the lamp-post at yon gate, without form or process. He would not insult the House by supposing for a moment that they collectively, or any individual of them, would oppose the motion he was now about to put.<sup>23</sup>

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and after some time spent therein,

Mr. Speaker resumed the Chair,

Resolution reported.

And Mr. *Gilchrist* reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth: —

Resolution for  
Address to His  
Excellency  
communicating  
Report on Petition  
of R. F. Gourlay.

*Resolved* — That an humble Address be presented to His Excellency, the Governor General, communicating a copy of the report of a Select Committee of this House on the case of *Robert F. Gourlay*, Esquire, and praying that measures may be taken for carrying the recommendations therein contained into effect.

*Ordered* — That the said Address be presented to His Excellency, by such Members of this House as are of the Honorable the Executive Council of this Province.

Bill to defray certain  
expenses of the  
Legislature  
brought in.

*Ordered* — That the Honorable Mr. *Harrison* have leave to bring in a Bill to provide for certain expenses of the Legislature of this Province, and of the late Provinces of *Upper* and *Lower Canada*.

He accordingly presented the said Bill to the House and the same was received, and read for the first time.

Bill read 2nd time.

*Ordered* — That the said Bill be now read a second time.

Bill to be engrossed.

The said Bill was accordingly read a second time.

*Ordered* — That the said Bill be engrossed.

Message from  
Leg. Council.

A Message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery.

## MR. SPEAKER,

The Legislative Council have passed the following Bills, without any amendment : —

*"An Act to make good certain sums advanced to defray contingent expenses of the two Houses of the Legislature of the late Province of Upper Canada."*

*"An Act to repeal certain Acts therein mentioned, and to make further provision for the establishment and maintenance of Common Schools throughout this Province."*

And then he withdrew.

*Ordered* — That Mr. Solicitor General Day have leave to bring in a Bill to provide for the payment of certain monies by the District Treasurers of the Districts in that part of this Province called *Upper Canada*, to the Receiver General, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

*Ordered* — That the said Bill be now read a second time.

The said Bill was accordingly read a second time.

*Ordered* — That the said Bill be engrossed.

An engrossed Bill to provide for certain expenses of the Legislature of this Province, and of the late Provinces of *Upper* and *Lower Canada*, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That the Honorable Mr. *Harrison* do carry the said Bill to the Legislative Council, and desire their concurrence.

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An engrossed Bill to provide for the enregistration of persons entitled to vote at Elections of Members of the Legislative Assembly of this Province, and to make better provision for the holding of such Elections, was read for the third time.

*Resolved* — That the Bill do pass, and the title be *"An Act to provide for the Enregistration of persons entitled to vote at Elections of Members of the Legislative Assembly of this Province."*

*Ordered* — That the Honorable Mr. *Harrison* do carry the said Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the House in Committee on the report of the select Committee to which was referred the Petition of *Joseph Edouard Turcotte*, Esquire, Representative of the County of *St. Maurice*, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Johnston*, took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. *Johnston*, reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth : —

*Resolved* — That this House doth concur in the report of the select Committee to which was referred the Petition of *Joseph Edouard Turcotte*, Esquire, Representative of the County of *St. Maurice*.

The Order of the day for the House in Committee on the Bill to establish a Court in this Province, for the trial of impeachments, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Durand*, took the chair of the Committee, and after some time spent therein.

Mr. Speaker resumed the chair,

And Mr. *Durand*, reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Bills passed  
L. Coun.

Bill to cover  
contingencies of last  
Sess., U. C.

Common School Bill.

Bill for payment of  
certain monies to  
Receiver General by  
District Treasurers  
read.

Bill read 2nd time.

Bill to provide for  
certain expenses of  
the Legislature  
passed.

Election &  
Registration Bill  
passed.

House in Com. on  
Report on Petition of  
J. E. Turcotte, Esq.

Resolution reported.

Resolution,  
concurring in report.

House in Com. on  
Court of  
Impeachments Bill.

Progress reported.



*Ordered* — That the said Committee have leave to sit again to-morrow.

Bill for payment of certain monies to Receiver General, by District Treasurers, passed.

An engrossed Bill to provide for the payment of certain monies by the District Treasurers of the Districts in that part of this Province called *Upper Canada*, into the hands of the Receiver General, and for other purposes, was read for the third time.

*Resolved* — That the Bill do pass.

*Ordered* — That Mr. Solicitor General *Day*, do carry the said Bill to the Legislative Council, and desire their concurrence.

Copy-rights Bill passed.

An engrossed Bill for the protection of copy rights in that part of the Province formerly constituting *Upper Canada*, was read for the third time.

*Resolved* — That the Bill do pass, and the title be "*An Act for the protection of copy rights in this Province.*"

*Ordered* — That Mr. Campbell, do carry the said Bill to the Legislative Council, and desire their concurrence.

Joint Committee on Library, report.

Mr. *Quesnel*, from the joint Committee of both Houses of the Legislature, appointed to enquire into and report to the respective Houses, the number of volumes belonging to the late Legislature of *Upper Canada*, and how they may most properly be divided between the two Houses; presented to the House the report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

Report.

"The Joint Committee having met this day, have adopted the following Resolution : —

*Resolved* — That in Order to make a proper division of the Books

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belonging to the Library of the Parliament of the late Province of *Upper Canada*, it shall be the duty of the Librarians, the Clerks, and the Law Clerks, of the two Houses, at the close of the Session, to divide the same, with a due regard to the interests of both, and with a view to avoid, as far as is practicable, leaving duplicate works in either Library; and that at least one set of the Journals of the Houses of Lords and Commons, shall belong to either House."

Report concurred in.

*Resolved* — That this House doth concur with the joint Committee, in the said Report.

Leave of absence to Mr. Hopkins.

*Ordered* — That Mr. *Hopkins*, have leave to absent himself from this House during the remainder of the present Session.

Then, on motion of Mr. *Roblin*, seconded by Mr. *Campbell*,  
The House adjourned.

Footnotes — 16 September 1841.

1. The debate following this motion was reported by: BRITISH COLONIST, 22 September 1841; KINGSTON CHRONICLE, 18 September 1841.

2. BRITISH COLONIST, 22 September 1841.

3. IBID.

4. IBID.

5. IBID.

6. IBID.

7. IBID.

8. IBID.

9. IBID.

10. IBID.

11. IBID.

12. IBID.

13. IBID.

14. IBID.

15. IBID.

16. The events following the exit of the Master of Chancery were reported by: MONTREAL GAZETTE, 21 September 1841, and KINGSTON CHRONICLE, 18 September 1841 in an identical account;

BRITISH COLONIST, 22 September 1841; LE CANADIEN, 22 September 1841. The MONTREAL GAZETTE and KINGSTON CHRONICLE prefaced their reports with the comment: "In the evening, a scene was enacted, such as we never had the fortune (good or bad as the reader may think it) to witness any thing to parallel."

17. MONTREAL GAZETTE, 21 September 1841.

18. IBID.

19. IBID.

20. IBID.

21. IBID.

22. IBID.

23. IBID.

24. IBID.

25. KINGSTON CHRONICLE, 22 September 1841.

**Friday, 17 September 1841.**

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Com. on Petition of  
P. Leppard present  
2nd Report, also on  
Petition of  
J. Milburn.

Mr. *Small*, from the Special Committee to which was referred the Petition of *Peter Leppard* of *East Gwillimbury*, *Home* District, and other references, presented to the House the second report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

Report.

"It appears to your Committee that pursuant to public notice, a large assemblage of the principal Inhabitants and yeomanry residing within a circuit of from 20 to 30 miles round *Toronto*, took place on the 15th *October*, 1839, on *Yonge* street, near that City, with a view to take into consideration the state of the Province, the Union of the *Canadas*, and Lord *Durham's* report ; the meeting was called by persons advocating responsible Government, and of a political class of Her Majesty's subjects in *Upper Canada*, denominating themselves " REFORMERS."

A requisition had previously been made to the Sheriff of the *Home* District (Mr. *Jarvis*.) residing at *Toronto*, to convoke the meeting, but he declined, stating as his reason for not complying with the request, that he did not deem the Petitioners sufficiently numerous, observing also that he had received a counter Petition from the Mayor, Aldermen, and upwards of two hundred citizens of *Toronto*, and that in the excited state of the public mind, he was apprehensive of a disturbance.

The Resolutions intended to have been proposed to the Inhabitants assembled at the meeting, together with the draft of an address to Her Majesty, and other papers and proceedings relative to the business of the day, have been submitted to your Committee : they appear to be of a constitutional and loyal character ; nor does it appear that the discussion of any matter of a contrary description was contemplated thereat. The meeting consisted, according to the concurring testimony of all the witnesses who have been examined on the subject, of unarmed persons, whose demeanor was quiet and orderly, and in all respects such as became a body of freeholders lawfully assembled to consult upon public matters of interest to their Country.

It appears that the Sheriff attended at this meeting, followed by a large body of inhabitants of *Toronto* and its neighbourhood, including the Mayor of the city, several Aldermen, Magistrates, and other public functionaries, wearing badges — and assumed the lead in the business

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Report on Com. on  
Petition of  
P. Leppard.

of the day, with a view to defeat the purpose of those at whose instance the meeting had been convoked, and generally of the Reformers ; and that it is principally to those who followed him, calling themselves "Conservatives," that the riot which took place on the occasion is to be attributed.

The proceedings of the meeting, as well as the choice of the gentleman, who, in the opinion of those calling the meeting, was the fittest person to fill the chair during the business of the day, were all previously determined upon ; but the arrival of the Sheriff, and those attending him, disconcerted those arrangements, and led to the disturbance ; this officer, upon his arrival on the ground, took possession of the hustings or platform erected for the occasion, and after addressing the



multitude in a speech of some length, concluded by calling upon them to nominate a chairman, proposing a gentleman he named to them, and, at the same time, calling upon them to divide. The division, perfect or imperfect, which took place in pursuance of the call, was the occasion of the riot that occurred. It was objected, that the Sheriff, without affording time for a fair division of the meeting, and allowing others to address it, as was desired by some of those present, on the choice of a chairman, declared the gentleman proposed by him to be the choice of the meeting, and installed him as chairman.

Several of those examined, state, however, that a fair division did take place, and that the decision of the Sheriff was fairly approved by a majority of the meeting; others deny it, positively asserting, that time was not afforded for a division, and that none such, in fact, took place. Be this as it may, much dissatisfaction arose out of the circumstance, and the Reformers, in a body, moved from the spot which had thus been previously prepared for their meeting, to a distance of about 150 yards from it, with the intention of holding their meeting apart from those who had come from *Toronto*. This gave umbrage to the latter party, who (although the testimony is contradictory and not conclusive on this point) considered themselves the majority, and that their voice ought therefore to prevail, as that of the meeting, which they thought ought not to be permitted to split, least the Resolutions of the smaller number should go abroad, and be imposed upon the world as expressing the sense of the majority of a public meeting of the *Home District*.

The party who had separated were collected round a wagon, from which one of their chiefs was addressing them, when a rush was made upon them by the other party, who, in passing a board fence on their way to attack the former, broke a part of it into weapons, with the help of which they made a furious onset upon the unarmed and defenceless multitude, whom they dispersed, cruelly beating and wounding several of them. Immediately after this occurrence, and during the acts of violence which followed it, a life was lost, the son of the Petitioner, Mr. *Leppard*.

The part which the Sheriff, and other public officers present, took on the occasion, does not very satisfactorily appear. They, however, came from *Toronto* with those who commenced the riot — headed them to the ground — were identified with their party — and wore badges. It does appear, nevertheless, that the Sheriff personally did endeavour to succour some of the individuals assailed by his party, but an observation that fell from him, as stated by one of the witnesses, was not such as is expected from an officer so particularly charged with the preservation of the public peace as the Sheriff.

Your Committee cannot but deeply regret that a large and respectable body of yeomanry, peaceably and lawfully assembled, to discuss, in a deliberate manner, matters of great moment to themselves and to the Province of *Upper Canada* at large, as *British* subjects, should have been assaulted, dispersed, and maltreated, by their fellow subjects, in

Report of Com. on  
Petition of P. Lep-  
pard and Joseph  
Milburn.

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the manner in which it appears those assembled on *Yonge Street* the 15th Oct. 1839 were, and prevented from expressing their views, whatever they might have been, on the public affairs of the Country; and more particularly do they regret, that the violence complained of should have proceeded, as it appears to them, principally from persons resident in the Capital of *Upper Canada*, and with whom were mixed up several of the City authorities, and others holding Office under the Crown, upon whom it is especially incumbent to preserve the public peace, and maintain order, and to avoid taking an active part as political partizans.

But the culpability of the rioters, is, in the opinion of Your Committee, lost, in the still higher guilt of the Law Officers of the Crown, and of the Executive Government, for the time being, who could not

have been ignorant, but on the contrary it appears to Your Committee, were well informed, of those lawless occurrences, yet took no notice of them. The Assizes, which immediately followed the riot, were allowed to pass over without any steps on the part of the public authorities towards an investigation, and from that day to this, no judicial enquiry or proceedings whatever have taken place in reference to the subject; comment on this omission is unnecessary — the time for such enquiry has now gone by, and your Committee fear that at this late period no practical good would result from further investigation of the subject.

With respect to the Petition of *Joseph Milburn*, whose house was attacked by a mob at the time of the last election for the first Riding of *York* and much damage done it: Your Committee cannot recommend any indemnity from the funds of the Province, but they are nevertheless of opinion that the injury and damage he has sustained would constitute a fair claim upon the District where it was committed, and should, as such, deserve the attention of the Municipal Council of that District."

150 copies of account of McDonell for collection of timber duties to be printed.

On motion of Mr. *Johnston*, seconded by Mr. *Derbshire*,  
Ordered — That 150 additional Copies of the account current of *Greenfield McDonell* with the Government, for the collection of timber duty on the *Ottawa*, be printed for the use of the Members of this House.

Motion to revive order for Com. of whole on Usury Bill (Leg. Council.)

Mr. *Hincks* moved, seconded by Mr. *Small*,  
That the Order of the day for the House in Committee on the engrossed Bill from the Legislative Council, intituled "*An Act to amend the Usury Laws*," lost by the adjournment of the House of yesterday, be revived, and that this House do now resolve itself into the said Committee.

Previous question moved.

Mr. *Baldwin*, seconded by Mr. *Neilson*, moved the previous question, viz.

Shall the main question be now put?

The House divided, and the names being called for they were taken down, as followeth: —

## YEAS.

<i>Black,</i>	<i>Dunlop,</i>	<i>Ogden, Hon. C.R. Smith, (Front.)</i>
<i>Buchanan,</i>	<i>Dunn, Hon. J.H.</i>	<i>Parke,</i>
<i>Campbell,</i>	<i>Foster,</i>	<i>Sherwood,</i>
<i>Daly, Hon. D.</i>	<i>Gilchrist,</i>	<i>Thompson,</i>
<i>Day, Hon. C.D.</i>	<i>Hincks,</i>	<i>Watts,</i>
<i>Derbshire,</i>	<i>Killaly, Hon. H.H.</i>	<i>Williams,</i>
<i>De Salaberry,</i>	<i>Small,</i>	<i>Woods. — 25.</i>

## NOES.

<i>Armstrong,</i>	<i>Cartwright,</i>	<i>Cook,</i>	<i>McNab, Sir A.N.</i>
<i>Baldwin,</i>	<i>Chesley,</i>	<i>Durand,</i>	<i>McDonald, (Pres.)</i>
<i>Barthe,</i>	<i>Christie,</i>	<i>Johnston,</i>	<i>McDonald, (Glen)</i>

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<i>Moore,</i>	<i>Quesnel,</i>	<i>Smith, (Went.)</i>	<i>Thorburn,</i>
<i>Neilson,</i>	<i>Roblin,</i>	<i>Taché,</i>	<i>Turcotte,</i>
<i>Parent,</i>	<i>Ruel,</i>	<i>Taschereau,</i>	<i>Viger, Hon. D.B.</i>
<i>Powell,</i>			(25).

Lost, by casting vote.

And the votes being equally divided, Mr. Speaker gave his casting vote in the Negative.

Message from Leg. Council.

A Message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery.

MR. SPEAKER,

Bills passed Leg. Council.

The Legislative Council have passed the following Bills, without any amendment,

Bill for payment of certain expenses of the Legislature.

Bill for payment of certain monies to Receiver General by District Treasurers.

Messages from His Excellency.

*"An Act to provide for certain expenses of the Legislature of this Province and of the late Province of Upper and Lower Canada."*

*"An Act to provide for the payment of certain moneys by the District Treasurers of the Districts in that part of this Province called Upper Canada, to the Receiver General, and for other purposes."*

And then he withdrew.

The Honourable *S. B. Harrison* one of Her Majesty's Executive Council, delivered to Mr. Speaker, four Messages from His Excellency, the Governor General, signed by His Excellency.

And the said Messages were read by Mr. Speaker, all the members of the House being uncovered, and are as followeth : —

SYDENHAM,

Message agreeing to transmit Address to Her Majesty on admission of Canadian produce into Great Britain.

In compliance with the request of the House of Assembly, the Governor General will transmit to the Secretary of State, in order that it may be laid at the foot of the Throne, the address of the House to Her Majesty, on the subject of the admission of the products of *Canada* into the ports of *Great Britain* free from duty.

Kingston, 15th September, 1841.

SYDENHAM,

Message agreeing to transmit Address to Her Majesty on Seat of Government.

In compliance with the request of the House of Assembly, the Governor General will transmit to the Secretary of State, in order that it may be laid at the foot of the Throne, the address adopted by the House on the subject of the seat of Government.

Government House, 16th September, 1841.

SYDENHAM,

Message in answer to Address for advance for contingencies.

The Governor General will, in conformity with the wish of the House of Assembly, issue his warrant in favour of *W. B. Lindsay, Esq.*, the Clerk of the House, for £11,063 13s. 3d., C<sup>y</sup>., towards defraying the contingent expenses of the House.

Government House, 17th September, 1841.

SYDENHAM,

Message requesting House to meet at Government House, at 3 o'clock.

The Governor General being, at present, prevented by indisposition from coming in person to the Legislative Council Chamber, and being desirous of declaring the Royal pleasure on such Bills as have passed the Legislative Council and Legislative Assembly, requests that the Legislative Assembly, when they shall this day adjourn, will adjourn themselves to meet, at three of the clock in the afternoon, at the Government House.

Government House, 17th September, 1841.

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House to meet at Government House, at 3 o'clock.

On motion of the Honourable Mr. *Harrison*, seconded by Mr. Solicitor General *Day*,

*Ordered* — That when the House doth adjourn this day, it will adjourn until three o'clock, P. M., to meet at the Government House.

Message from Leg. Council.

A Message from the Legislative Council by *John Godfrey Spragge, Esq.*, Master in Chancery.

MR. SPEAKER,

The Legislative Council have passed the following Bills, without any amendment.

Bills passed L. Coun.

Sydenham Harbor Bill.

*"An Act to incorporate certain persons therein named, under the style and title of 'The Sydenham Harbour Company'."*

Copy rights Bill.

*"An Act for the protection of Copy Rights in this Province."*



And also —

LEGISLATIVE COUNCIL, FRIDAY 17TH SEPTEMBER, 1841.

Message communicating extract from Report on Library.

*Ordered* — That the Master in Chancery do go down to the Legislative Assembly, and communicate to that House the accompanying extract of a report of the Select Committee of the Legislative Council upon the subject of the Library for their information.

Attest,

JAMES FITZGIBBON,  
Clerk Leg. Council.

Extract from Report of Com. of Leg. Coun. respecting room lately used as Library.

Extract from the report of the Select Committee of the Legislative Council, upon the Library, dated 17th *February*, 1841 : —

"As the division contemplated by the report of the Joint Committee, will set at liberty a large apartment on the ground floor of this building, your Committee beg to suggest the propriety of some understanding being entered into between the two Houses whereby that room may be exclusively assigned to the Legislative Assembly, in exchange for one of the rooms now used by that body on the uppermost floor, which would, if transferred to this House, go far to remedy the inconvenience it now experiences from the want of Committee rooms."

Attest,

JAMES FITZGIBBON,  
Clerk Leg. Council.

And then he withdrew.

Messages from His Excellency.

The Honourable *S. B. Harrison*, one of Her Majesty's Executive Council, delivered to Mr. Speaker three Messages from His Excellency, the Governor General, signed by His Excellency.

And the said Messages were read by Mr. Speaker, all the members of the House being uncovered, and are as followeth : —

SYDENHAM,

Message respecting Petition of Toronto & L. Huron R. Road Co.

The Governor General will, according to the desire of the House of Assembly, take into consideration the Petition of the Directors of the *Toronto* and Lake *Huron* Rail Road Company.

Kingston, 17th September, 1841.

SYDENHAM,

Message on claim of A. Manahan, Esq.

In compliance with the request of the House of Assembly, expressed in their Address of the 16th instant, the Governor General will take

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into his consideration the claim of *A. Manahan*, Esquire, to be indemnified for the losses sustained by him in consequence of the illegal seizure of his property, by the Collector at the Port of *Kingston*, on *Carleton* Island, in the year 1821.

Kingston, 17th September, 1841.

SYDENHAM,

Message on case of R. F. Gourlay, Esq.

The Governor General will take into consideration the report of the Select Committee of the House of Assembly, on the case of *R. F. Gourlay*, Esquire, as requested in the Address from the House, of the 16th instant.

Kingston, 17th September, 1841.

The House then adjourned.

3 o'clock, P. M.

His Excellency unable to meet the House from indisposition.

The Honourable *S. B. Harrison*, one of Her Majesty's Executive Council, rose in his place, and acquainted Mr. Speaker and the House, that in consequence of the severe indisposition of the Governor General, His Excellency could not meet the House, this day, for the pur-

pose of declaring the Royal pleasure on such Bills as have passed the Legislative Council and Legislative Assembly.

Then, on motion of the Honourable Mr. *Harrison*, seconded by Mr. Solicitor General *Day*,

The House adjourned until to-morrow, at noon.<sup>1</sup>

Footnotes — 17 September 1841.

1. According to the **BRITISH COLONIST**, 22 September 1841: "The House met for a short time this day, when the Usury Bill was thrown out. An adjournment then took place until 12 o'clock, tomorrow. His Excellency being too alarmingly ill, to effect the prorogation today."

**Saturday, 18 September 1841.<sup>1</sup>**

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A Message from the Deputy Governor, by *Frederick Starr Jarvis*, Esquire, Gentleman Usher of the Black Rod.

MR. SPEAKER,

Message summoning House to Bar of Leg. Council.

Deputy Governor assents to the following Bills :

Bill to amend Ordinances respecting Winter Roads.  
Canada Fire Assurance Bill.  
Caledonia Bridge Bill.

Dalhousie Court House loan Bill.

DeGaspé's relief Bill.

Gaspé Fisheries Bill.

I am commanded by the Deputy Governor to acquaint this Honourable House, that it is his pleasure that the members thereof do forthwith attend him in the Legislative Council Chamber.

Accordingly Mr. Speaker and the House went up to the Legislative Council Chamber, to attend the Deputy Governor, when he was pleased to give in Her Majesty's name, the Royal assent to the following public and private Bills : —

*"An Act to amend two certain Ordinances mentioned, relative to Winter Roads in that part of the Province formerly Lower Canada."*

*"An Act for incorporating the Canada Fire Assurance Company."*

*"An Act to incorporate certain persons under the title of the 'Caledonia Bridge Company.'"*

*"An Act to authorize a further Loan to complete the building of the Court House and Gaol for the intended District of Dalhousie."*

*"An Act for the relief of Philip Aubert De Gaspé."*

*"An Act to regulate the Fisheries in the District of Gaspé."*

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Bill to increase sum for erection of public Buildings in Simcoe.

Toronto Gas & Water Company Bill.

Bill to amend Mont. Roads Ordinance.

Magdalen Islands Justice Bill.

Montreal aged women's Asylum Bill.

Bill to extend provisions of a certain Ordinance to North side of River St. Charles.

Grand River Directors election amendment Bill.

Welland Canal stock purchase Bill.

Bill to convey a certain lot of land in Lochiel.

*"An Act to increase the sum which may be raised under a certain Act therein mentioned for defraying the Cost of certain Public Buildings in the County of Simcoe."*

*"An Act to incorporate a Company under the style and title of 'The City of Toronto Gas Light and Water Company.'"*

*"An Act to amend the Ordinances of the Legislature of the late Province of Lower Canada, providing for the improvement of the Roads in the neighbourhood of the City of Montreal."*

*"An Act to provide temporarily for the Administration of Justice in the Magdalen Islands in the Gulf of Saint Lawrence."*

*"An Act to incorporate the Montreal Asylum for aged and infirm women."*

*"An Act to extend the provisions of an Ordinance therein mentioned to a certain Road on the North side of the River Saint Charles, in the District of Quebec."*

*"An Act to amend the law regulating the Election of Directors of the Grand River Navigation Company."*

*"An Act to authorize the Stock held by private parties in the Welland Canal to be purchased on behalf of the Province."*

*"An Act to empower certain Trustees therein mentioned to convey a portion of a certain lot of Land in the Township of Lochiel, in the Eastern District, to the Reverend John McIsaac."*



Physic and Surgery Practice extension Bill.	<i>"An Act to enable persons authorized to practice Physic or Surgery in Upper or Lower Canada, to practice in the Province of Canada."</i>
Savings Banks Bill.	<i>"An Act to encourage the Establishment of and regulate Savings Banks in this Province."</i>
Dundas St. & Humber Road Bill.	<i>"An Act to incorporate certain persons therein mentioned for the purpose of making a macadamized Road from Dundas Street to the River Humber in the Township of York."</i>
Bill to amend Mutual Insurance Act of U. C.	<i>"An Act to amend an Act of the Parliament of the late Province of Upper Canada, intituled, 'An Act to authorize the establishment of Mutual Insurance Companies in the several Districts of this Province.'"</i>
Mont. R. C. Orphan Asylum.	<i>"An Act to incorporate the Ladies of the Roman Catholic Orphan Asylum of Montreal."</i>
Bill to exempt Firemen from certain duties.	<i>"An Act to repeal a certain Act therein mentioned, and to exempt the Members of Companies of Firemen, lawfully established, from serving as Jurors and in the Militia, except in certain cases."</i>
Bill to authorise N. Am. Asso. of Ireland to loan moneys.	<i>"An Act to authorize the North American Colonial Association of Ireland to Loan Moneys in the County of Beauharnois."</i>
Bill for French translation of Laws.	<i>"An Act to provide for the translation into the French Language of the Laws of this Province, and for other purposes connected therewith."</i>
Sydenham Mountain Road Bill.	<i>"An Act to establish a Company by the name of the Sydenham Mountain Road Company.'"</i>
Bill to confirm a certain arrangement between Gore & Wellington District.	<i>"An Act to confirm a certain arrangement entered into by the Magistrates of the Districts of Gore and Wellington."</i>
U. C. District Courts amendment Bill.	<i>"An Act to alter and amend the Laws now in force in that part of this Province formerly Upper Canada regulating the District Courts."</i>
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Criminal Justice Bill.	<i>"An Act for improving the administration of Criminal Justice in this Province."</i>
Larceny Bill.	<i>"An Act for consolidating and amending the Laws in this Province relative to Larceny and other offences connected therewith."</i>
Bill respecting injuries to property.	<i>"An Act for consolidating and amending the Laws in this Province relative to Malicious Injuries to property."</i>
Bill respecting offences against the person.	<i>"An Act for consolidating and amending the Statutes in this Province relative to offences against the person."</i>
Bill to authorise G. Durand to construct a Mill-dam.	<i>"An Act to empower George Durand, Esq., to construct a Canal for Mill purposes in the Township of Sarnia."</i>
Bill to naturalize L. Lyman.	<i>"An Act to secure to and confer upon Lewis Lyman, an Inhabitant of this Province, the Civil and Political rights of a natural born British Subject."</i>
Home District debts consolidation Bill.	<i>"An Act to consolidate certain debts due by the Home District and to make provision for the payment thereof."</i>
Bill to extend operation of Penitentiary.	<i>"An Act to render the Penitentiary erected near Kingston, in the Midland District, the Provincial Penitentiary for Canada."</i>
Bill to compel candidates to declare qualifications.	<i>"An Act to compel all Candidates at any future Elections for Members of the Legislative Assembly, to make and subscribe detailed declarations of the property by them possessed and under which they qualify."</i>
Bill to repeal Ordinance requiring a pass.	<i>"An Act to repeal an Ordinance passed by the Governor and Council of Quebec, in the seventeenth year of the Reign of His Majesty King George the Third, for preventing persons leaving the Province without a pass."</i>

Bill for recovery of small debts in Canada East.

Bill app'tg Com'rs on late Kingston Bank.

Bill to extend time for completing P. Dover Harbor.

Warehousing Bill.

Bill to continue certain Acts.

Bill to amend Act of U. C. regulating macadamized roads, Indigent Emigrants' Fund Bill.

Leggo's indemnification Bill.

Bill for appropriation of School Funds in U. C.

Quebec Trinity House Bill.

Montreal Light Houses Bill.

L'Assomption College Bill.

Bill to defray certain expenses of steam dredge.

Bill granting loan to Victoria College.

Montreal and P. au Beaudet Rail Road amendment Bill.

Sydenham Harbor Bill.

Bill to cover contingencies of Assembly of U. C.

Copy Rights Bill.

Bill to prevent circulation of bad copper.

Shart's naturalization Bill.

Dep'y Governor reserves following Bills: Currency Bill.

*"An Act to provide for the more easy and expeditious administration of Justice in Civil Causes and Matters involving small pecuniary value in that part of this Province heretofore Lower Canada."*

*"An Act to appoint additional Commissioners to settle the affairs of the late pretended Bank of Upper Canada at Kingston."*

*"An Act to extend the time limited by Law for the construction and completion of the Port Dover Harbour."*

*"An Act to extend the benefit of the Warehousing System, established by a certain Act of the Imperial Parliament, passed in the Session held in the third and fourth years of His late Majesty's Reign, to Duties imposed by Provincial Acts."*

*"An Act to continue for a limited period the certain Acts therein mentioned."*

*"An Act to explain and amend an Act of the Legislature of Upper Canada relative to District Turnpike Trusts."*

*"An Act to create a fund for defraying the expense of enabling indigent Emigrants to proceed to their place of destination and supporting them until they can procure employment."*

*"An Act to authorize the payment of a certain sum of money to Christopher Leggo."*

*"An Act to make temporary provision for the appropriation of the Funds derived from the Sale of School Lands, in that part of the Province formerly Upper Canada, and for other purposes."*

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*"An Act to repeal and amend in part certain Acts and a certain Ordinance therein mentioned, and to extend the powers and increase the funds of the corporation of the Trinity House of Quebec."*

*"An Act to provide for the construction of certain Light Houses within the port of Montreal."*

*"An Act to incorporate the College of l'Assomption in the County of Leinster."*

*"An Act to appropriate a sum of money to defray certain expenses relative to the Provincial Steam-Dredge of Upper Canada, and for other purposes relative to the said Steam-Dredge."*

*"An Act to grant a certain sum of money as an aid to the Victoria College."*

*"An Act to extend the provisions of an Ordinance of the Legislature of the late Province of Lower Canada, intituled, 'An Ordinance for making a Rail Road from the City of Montreal to the Province Line, at or near Point au Beaudet.'"*

*"An Act to incorporate certain persons therein named under the style and title of the "Sydenham Harbour Company.""*

*"An Act to make good certain sums advanced to defray contingent expenses of the two Houses of the Legislature of the late province of Upper Canada."*

*"An Act for the protection of copy rights in this Province."*

*"An Act to prevent the Fraudulent Manufacture, importation, or circulation of spurious Copper and Brass Coins."*

*"An Act to naturalize the Reverend William Sharts."*

The title of the following Bills were then read : —

*"An Act to regulate the Currency of this Province."*

Montreal Board of Trade Bill.

Haldimand Glass Works Bill.

Bill to continue business of U. C. Bank at Toronto.

Bill for disposal of Public Lands.

Election Bill.

Beef and Pork inspection Bill.

Flour and Meal Inspection Bill.

Montreal Bank stock increase Bill.

City Bank stock increase Bill.

Quebec Bank stock increase Bill.

Niagara District Bank Bill.

*"An Act to incorporate the Montreal Board of Trade."*

*"An Act to establish a Company to be called the 'Haldimand Glass Works Company.'"*

*"An Act to permit the business of the Bank of Upper Canada, to be carried on in Toronto as usual."*

*"An Act for the disposal of Public Lands."*

*"An Act to provide for the freedom of Elections throughout this Province, and for other purposes therein mentioned."*

*"An Act to regulate the inspection of Beef and Pork."*

*"An Act to regulate the Inspection of Flour and Meal."*

*"An Act to renew the Charter of the Bank of Montreal and to increase its Capital Stock."*

*"An Act to extend the Charter of the City Bank, and to increase the Capital Stock thereof."*

*"An Act to extend the Charter of the Quebec Bank."*

*"An Act to incorporate sundry persons under the style and title of 'The President, Directors and Company of the Bank of the Niagara District.'"*

(644)

*"An Act to incorporate the Quebec Board of Trade."*

*"An Act to regulate the taking of securities in all offices in respect of which security ought to be given and for avoiding the grant of all such offices in the event of such security not being given within a time limited after the grant of such office."*

*"An Act to authorize the Banks heretofore Chartered by Acts of the late Province of Upper or Lower Canada, to carry on their business throughout this Province."*

To each of which it was the Deputy Governor's pleasure to say, that he reserved the said Bill for the signification of Her Majesty's pleasure thereon.

The Honourable Speaker of the Legislative Assembly then said —

SIR,

Speaker presents the following money Bills.

Bill requiring U. C. District Treasurers to pay certain moneys to Receiver General.

Bill to defray certain expenses of the Legislature.

Distilleries duty Bill.

Bank Note duty Bill.

Loan Bill.

Common School Bill.

In the name, and on the behalf, of Her Majesty's faithful and loyal Commons, I have the honor of presenting, for your assent, several Bills of aid and supply, which have been granted to Her Majesty during this Session, and which Bills are as followeth : —

*"An Act to provide for the payment of certain moneys by the District Treasurers of the Districts, in that part of the Province called Upper Canada, to the Receiver General, and for other purposes."*

*"An Act to provide for certain expenses of the Legislature of this Province and of the late Provinces of Upper and Lower Canada."*

*"An Act to impose a Duty upon Distilleries in that part of the Province heretofore called Lower Canada."*

*"An Act for levying a certain rate or duty on Bank Notes issued and in circulation in this Province."*

*"An Act to facilitate the Negotiation of a Loan in England and for other purposes therein mentioned."*

*"An Act to repeal certain Acts therein mentioned, and to make further provision for the establishment and maintenance of common Schools throughout this Province."*



Customs duties Bill.

*"An Act to repeal certain Acts therein mentioned, and to consolidate the Laws relative to the Provincial duties to be levied on Goods, Wares and Merchandize imported into this Province."*

Public Improvements Bill.

*"An Act to appropriate certain sums of money for Public Improvements in this Province, and for other purposes therein mentioned."*

Auction duty Bill.

*"An Act to make certain alterations in the Laws relative to the duty upon sales of property by Auction."*

Census Bill.

*"An Act to repeal certain parts of an Act therein mentioned, and to provide for taking a periodical Census of the Inhabitants of this Province, and for obtaining the other Statistical information therein mentioned."*

Supply Bill.

*"An Act to grant certain sums therein mentioned to Her Majesty towards defraying the expenditure of the Civil Government for the year ending the thirty-first day of December, one thousand eight hundred and forty one."*

Bills assented to.

To each of which Bills, with the exception of the latter, the Deputy Governor was pleased to signify the Royal assent in the following words :

*"In Her Majesty's Name, I assent to this Bill."*

(645)

And to the latter, the Deputy Governor was pleased to signify the Royal assent in the following words : —

*"In Her Majesty's Name, I thank Her loyal Subjects, accept their benevolence, and assent to this Bill."*

And then the Deputy Governor was pleased to make the following Speech, to both Houses : —

*Honourable Gentlemen of the Legislative Council, and —*

*Gentlemen of the House of Assembly :*

Deputy Governor's  
Speech at close of  
Session.

In consequence of the severe indisposition of the Governor General, I have been deputed by Him to signify to you Her Majesty's pleasure in the several Bills which you have passed during this Session, and to relieve you from further attendance in Parliament. In performing this duty, I beg to congratulate you on the many important measures which you have been enabled to perfect, and on the general harmony which, notwithstanding the difficulties incident to the first meeting of a new Legislature, has marked your proceedings.

*Gentlemen of the House of Assembly :*

I thank you, in the name of Her Majesty, for the readiness with which you have voted the Supplies necessary for the public Service, and for maintaining the credit of the Province.

*Honourable Gentlemen and Gentlemen :*

I am confident that you will sympathize with me in the deep sorrow which I feel for the illness of the Governor General, and in my hope that the sufferings with which it has pleased Almighty God to afflict Him, may be but temporary. In the mean time, I would urge on you the propriety on your return to your homes, of endeavouring to carry out the great improvements now in progress ; and of inculcating on those by whom you will be surrounded, as well an oblivion of past differences as a hopeful spirit of enterprize and contentment for the future. In so doing, you will best promote the permanent interests of your Country, and entitle yourselves to the gratitude of your fellow subjects, — and may that Providence which has heretofore so signally protected this land prosper your endeavours.

After which, the Honourable Speaker of the Legislative Council said,

*Gentlemen of the Legislative Council, and —*

*Gentlemen of the House of Assembly :*

Parliament prorogued  
to 25th October.

It is the will and pleasure of the Deputy Governor that this Provincial Parliament be prorogued until *Monday*, the twenty-fifth day of *October* next ; and this Provincial Parliament is accordingly prorogued until *Monday*, the twenty-fifth day of *October* next, to be then and here holden.

Footnotes — 18 September 1841.

1. All the newspapers consulted for this day give only the official report of the day's proceedings as reported in the JOURNALS. There was no commentary.





# INDEX

## INTRODUCTION

The Index to this Volume is divided into two sections : proper names and subjects. The proper name index is limited to the names of the men who sat in the Canadian Assembly in 1841. This Index therefore excludes the names of all other persons, such as people mentioned in debates, witnesses testifying before the House in Committee of the Whole, or messengers such as John Godfrey Spragge, Master of Chancery, who at one time or another addressed the House from within the Bar. It also excludes the names of people merely mentioned in the House, such as those whose testimony before Select Committees was reported or referred to in the JOURNALS, and signatories to petitions presented whose names are noted in connection with various kinds of legislation.

The decision to limit this section of the Index to members of the Assembly was made necessary by the fact that the other names number literally in the thousands, so that their sheer bulk makes it impossible to include them. For example, pages 190 to 194 contain more than five hundred and fifty-five names. In addition, every piece of legislation or testimony with which these names are associated is always indexed under subject references. To summarize : the proper name Index refers to every occasion when a member proposed or seconded a motion or Resolution, it refers to every speech he delivered during debates, and to every other time he addressed the House or took the chair of the House in Committee of the Whole. Only individual votes are excluded because divisions rightfully belong with the legislation they pertain to, and all legislation is included in the subject Index.

The subject Index is based on the Index to the JOURNALS. However, it has been modified, corrected and expanded to render it more useful and complete. In particular, the subjects of all the legislative events reported in the daily Appendices are included in the Index. This Index provides more than a subject analysis of parliamentary events. It also indicates the passage of each particular item through the various stages of the legislative process. It is thus a parliamentary subject Index.

The entries in this Index contain double sets of numbers whenever this is appropriate. One set is contained within parentheses, the other is not. All numbers within parentheses refer to pages in the JOURNALS. All other numbers refer to pages in this Volume. When something is mentioned in the JOURNALS it will be indexed with a double reference. Subjects mentioned only in reconstructed material will be indicated by a single page number. An additional distinction must be made within the category of numbers in parentheses. This category includes italicized numbers which always refer to official communications made in the House, usually Addresses or Messages to or from the Governor-General or the Legislative Council. All words expressed in italics refer to primary subject headings.

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\* Desrivières is nowhere reported in either the JOURNALS or the newspapers as having participated in the activities of the Assembly, except to have given an occasional vote.



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—— To His Excellency to transmit the Bill for the disposal of Public Lands — sent to the Council, (625) **994**. Concurred in by their Honors, (629) **1000**. Committee appointed to carry up the Address, (630) **1000**.

ADDRESSES TO THE GOVERNOR GENERAL — Vide *Questions negatived*.

1. — A Special Committee appointed to prepare the draft of an Address, in answer to His Excellency's Speech, at the opening of the Session, agreeably to Resolutions passed by the House, (59) **110**. Draft of Address reported, (60) **112**. Concurrence upon each Paragraph moved, (63) **115**. Debated ; amendments proposed and *negatived* upon divisions, (63-66) **115-120**. Amendment proposed and *agreed* to on division, (66) **120-121**. Address concurred in ; to be engrossed ; to be presented by the whole House, and Members named to wait upon His Excellency, to know when he will receive the same, (67) **121, 123**. Time reported, (69) **128**. Address presented ; Answer, (71) **129**. — Vide *Governor General*.
2. — For Statement of duties collected in District of Gaspé, and of Public Monies expended therein, since the year 1835, (99) **179**. Presented, (212) **368**.
3. — For Copies of the Returns of fines and forfeitures, imposed by the Justices of the Peace of Upper Canada, (103) **187**. — Vide *Justices of the Peace*.
4. — For Return of duties levied at Bytown on timber floated down the Ottawa River, for the last five years, (104) **188**. Presented, (167) **281**. To be printed, (190) **326**. — Vide *Lumber Trade*.
5. — For Copy of all Correspondence between Her Majesty's Ministers and the Governor General, on the alteration in the duties on importation into Great Britain of Foreign



- or Colonial Timber, (104) **188**. Answer, (136) **232**. Presented, (177) **309-310**. — Vide *Lumber Trade*.
6. — For Copy of the Report and Proceedings of the Commission appointed to enquire into the late Riot in the City of Toronto, (104) **188**. Answer, (136) **233**. Presented, (279) **491**. — Vide *Toronto Riots*.
  7. — For Answer of Her Majesty's Government to an Address of the late Upper Canada Assembly in behalf of Christopher Leggo, (136) **233**. Answer, (243) **430**. — Vide *Despatches; Leggo, Christopher*.
  8. — For Warrant in favour of Mr. Speaker for £5000, in liquidation of Contingencies of the late Legislature of Upper Canada, and towards the Contingencies of the present Session, (167) **281-282**. Answer by Message, (186) **322**. — Vide *Messages, (4.)*; *Contingencies covering*.
  9. — For Copies of the Reports and Correspondence from the School Visitor in the County of Beauharnois, (168) **283**. Presented, (181) **313**. — Vide *School Visitor, Beauharnois*.
  10. — For information as to the intention of Government to recommend a continuation of the Saint Lawrence Canal, so as to open a Communication hence to the Ocean, (172) **290**. Answer by Message, (187) **322**. — Vide *Messages, (5.)*; *St. Lawrence Improvement*.
  11. — For the date upon which Robert Baldwin, Esquire, was appointed to the Office of one of Her Majesty's Executive Council, also the day upon which he was sworn into and accepted office, (172) **290**. Answer by Message, (186) **321**. — Vide *Messages, (3.)*; *Baldwin, Robert*.
  12. — To be informed whether the Royal Assent had been, or is likely to be given to the Bill passed in Upper Canada, to impose duties on certain Articles imported into this Province from the United States, and to give such information as His Excellency shall see meet, (173) **291**. Answer by Message, (201) **344**. — Vide *Messages, (8.)*; *Duties on Imports*.
  13. — For Copies of all Papers relative to the Defence of the Honorable John Gauler [or Gawler] Thompson, Provincial Judge of the Inferior District of Gaspé, to the Impeachment of the Assembly of Lower Canada; and of the Despatches of the Home Government, relative to the said Impeachment, (173) **292**. Presented, (306) **542**.
  14. — For answer to Address of the late Upper Canada Assembly, on the subject of the introduction of the Products of this Province into the Ports of Great Britain free of duty, (182) **316**. Answer by Message, (201) **344**. — Vide *Messages, (7.)*; *Duties on Exports*.
  15. — For Copy of all Correspondence between His Excellency and the Home Government respecting the locality of the Seat of Government, (183) **317**. Answer by Message, (201) **344**. — Vide *Messages, (6.)*; *Parliament of Canada*.
  16. — For Copy of any Papers relative to the acceptance, notice or intimation of acceptance by Robert Baldwin, Esq., of the office of Executive Councillor, and copy of Warrants for payment of his salary as such Councillor, (191) **326**. Presented, (202) **345**. — Vide *Baldwin, Robert*.
  17. — For Return of all duties collected on Timber in the Ottawa District since 1835, (191) **326**. Presented, (511) **838**. — Vide *Ottawa District*.
  18. — For Statements of the number of suits, brought in the Court of Chancery, since the 6th February, 1840; and other information relative to said Court, (203) **346**. Presented, (262) **463**. — Vide *Court of Chancery*.
  19. — For Returns made by different Commanding Officers of Militia, of Fines and Exemption Moneys received by them under the Militia Law of Upper Canada, (204) **346**. Presented, (367) **613**. To be printed, (367) **613**. — Vide *Militia Law*.
  20. — For Statement of all Loans made to the Cobourg, Port Hope and Oakville Harbour Companies, the securities taken &c. and also with regard to all Corporations or Individuals in the late Province of Upper Canada, (208) **352-353**. Presented, (262) **463**. — Vide *Harbours*.
  21. — For Statement of the number of Stipendiary Magistrates, Officers and Men employed in the Police Force in Lower Canada, where they serve, and the annual

- expense of the Police Establishment generally, (230) **396**. Presented, (352) **595**. — Vide *Police Force Lower Canada*.
22. — For some mark of Royal Favour towards Louis B. Pinguet ; David Jardine ; William Coates ; Samuel Walker ; Jasper Brewer ; F. Rodrigue ; and Louis Gagné, as officers and servants of the late Houses of Assembly of Lower and Upper Canada, for their long and faithful services, (274) **482**. Answer by Message, (346) **589**. — Vide *Messages*, (15.) ; *Officers and Departments of the House* ; *Pensions, civil* ; *Pinguet, Louis B.*
23. — For a Survey of Annis' and Black's Creeks in the Township of Whitby, (277) **489**. Answer, (306) **542**. — Vide *Annis' Creek* ; *Whitby Marsh*.
24. — For copy of all Proclamations or Instruments issued, to erect Municipal Districts in the late Province of Lower Canada, under the Ordinance of 4th Victoria Cap. 4, and respecting the number of Councillors and places of meeting, a list of the Wardens and other Officers ; and copy of their Instructions, (285) **504**. Presented, (306) **542**. — Vide *Municipal Districts Lower Canada*.
25. — Communicating Resolutions passed by the Legislative Assembly, relative to remuneration to Members of said Assembly, (300) **528**. Answer by Message, (562) **910**. — Vide *Messages*, (24.) ; *Sessional Payment of Members*.
26. — For Statement in detail of Moneys collected under the Act of Upper Canada, for the erection of certain Light Houses in said Province, (301) **529**. Presented, (467) **763**. — Vide *Light Houses*.
27. — For Copy of Despatch from Lord John Russell of 14th October 1839, on responsible Government ; — of that of the 16th October 1839, to the Lieutenant Governor of Upper Canada, on tenure of Office, so much of that to the Governor General of the 7th November 1839, as relates to the latter subject ; — with Copies of the Addresses of the House of Assembly of Upper Canada of the 10th, and 14th December 1839, to the Governor General on the same subject, and His Excellency's answers to those Addresses of 13th December 1839 — and 18th January 1840, (294) **516**. Presented, (389) **641**. — Vide *Responsible Government*.
- 27<sup>2</sup>. — On Repealing Act of Upper Canada, respecting payment of Members' Wages, (300) **528**. — Vide *Members Wages Repeal*.
28. — For Copy of Instructions to him upon his assuming the Government of British North America, (314) **553**. Answer by Message, (390) **642**. — Vide *Messages*, (16.)
29. — For Copy of Instructions to Sir George Arthur upon his assuming the Government of Upper Canada, (314) **553**. Answer by Message, (390) **642**. — Vide *Messages*, (16.)
30. — For Statement of Moneys, expended by the Board of Health at Bytown in 1832 — and 1834, (314) **553**.
31. — For Copy of Report of Correspondence from the Commissioners for improving the navigation of the St. Lawrence, since January 1839, (315) **553**. — Vide *St. Lawrence Improvement*.
32. — For Statement of salaries on the Income of Lower Canada, between the 1st October 1839, and 10th February 1841, — a similar statement on the Income of Upper Canada for the same period ; — and a similar statement on the consolidated Income of the Province of Canada, on and since the 10th February last, (320) **561**. Presented, (511) **838**. To be printed, (521) **852**.
33. — For Copy of all Correspondence on the dismissal of Robert Berrie, Esquire, as Clerk of the Peace, for the District of Gore, (320) **562**. Presented, (336) **578**.
34. — For the Copy of all Despatches from and to Her Majesty's Government on the subject of the naturalization of Aliens, (337) **579**. Presented, (389) **641**. — Vide *Naturalization*.
35. — For the Blue Book for the late Provinces of Upper and Lower Canada, (356) **598**.
36. — For a detailed statement of the Casual and Territorial Revenue of the late Province of Upper Canada, up to the 9th February last, also the Receiver General's Receipt and expenditure from the 1st January to the 9th February 1841 ; — and a general statement of the same from the 9th February to the 31st June 1841. Return of the Crown's proportion of seizures, since the last return ; Fees on Marriage Licenses, and for practising Physic and Surgery ; and also a Return of all Fees collected, in

- any Public Office in this Province, under what authority collected, and to whom paid, (361) **604**.
37. — For Statement of sums received into the Receiver General's Chest, in each Year, subsequently to 25th February 1832, arising out of the Estates of the late Order of Jesuits, and of the amount thereof at the disposal of the Legislature for "the purposes of Education exclusively" — conformably to the statute of Lower Canada, 2. Will. 4. Cap. 41, (361) **605**. Presented, (418) **676**. Referred to select Committee on Common School Bill, (418) **677**. — Vide *Education and Schools*.
38. — For a Statement of all Monies paid to Mr. Attorney General Ogden, for official services rendered within the last four years, and authority for such payments, (362) **605**. Presented, (507) **834**.
39. — For Reports of Commissioners appointed to report on the state of the settlers in the Township of MacNab, (362) **605**. Presented, (511) **838**. — Vide *MacNab Township*.
40. — For Statement of all Monies transmitted to the Home Government by the Deputy Post Master General for the last four years; — Postages and balances of Postages received in Lower and Upper Canada, and in this Province, and the authority for the remittance, (363) **606**. — Vide *Deputy Post Master General's Department*.
41. — For Copies of all Instructions addressed to, and the Reports received from the School visitor appointed under Ordinance of 2 Vic., Cap. 43, (413) **669**. — Vide *School Visitor, Beauharnois*.
42. — On the subject of the Loss sustained, by C. Leggo, (415) **672**. Answer by Message, (574) **931**. — Vide *Messages, (26.)*; *Leggo, Christopher*.
43. — For Statement of confiscations in Lower Canada, in consequence of the Insurrections therein — in 1837-1838, (420) **678**.
44. — For information as to what situations or places of profit and emolument (if any) are held by the Commissioners appointed to investigate the late Riots at Toronto; and what remuneration has been paid to them in that capacity, (420) **679**. Presented, (467) **763**. — Vide *Toronto Riots*.
45. — For Copy of all communications between Her Majesty's Ministers and the Provincial Government, and of certain other documents respecting the Seignory of Lauzon, (420) **679**.
46. — For a detailed statement of the expenditure by Her Majesty's Govt. of all Moneys arising from the estates of the late Order of Jesuits, for the last five years, and the authority for such expenditure, (432) **693**. Presented, (468) **764**.
47. — For Copy of the Commission of the present collector of Customs at the Coteau du Lac, and the date of his acceptance of office, (432) **693**. Presented, (469) **765**.
48. — For a Commission to revise the Statutes and Ordinances of the late Province of Lower Canada, (446) **718**. Answer by Message, (568) **926**. — Vide *Messages, (25.)*; *Statutes and Ordinances Revision*.
49. — For Copies of any Reports from Engineers or others, in relation to the survey of the Ottawa River, and on the improvements contemplated in His Excellency's Message thereon, (453) **726**. — Vide *Ottawa River*.
50. — For the exercise of the Royal Prerogative by the grant of a free Pardon, indemnity and oblivion of all Crimes and attainders, &c. connected with the late troubles in Upper and Lower Canada, consistently with the safety of the Crown and security of the Province, (457) **734**. Answer by Message, (488) **810**. — Vide *Messages, (18.)*; *Pardon*.
51. — For Copy of the Commission of the immediate Predecessor of the present Collector of Customs at the Coteau du Lac, with the date of his removal or resignation, (489) **810**. Presented, (564) **914**.
52. — For information as to when the unpaid balance of £50,000 granted for roads in Upper Canada, by the 6th Will. 4., Cap. 37, and the sum of £12,500 for the Grand River Navigation passed in 7th Will. 4., Cap. 73, may be expected to be paid, (511) **839**.
53. — For the appointment of a Commission to enquire into the relative position of the Seignors and Censitaires, and into the means of establishing a general and uniform system of Commutation on a fair and equitable basis &c., (514) **842**. Answer by Message, (576) **933**. — Vide *Messages, (27.)*; *Feudal Tenure*.



54. — Of Condolence — Vide *Governor General; Messages*, (29.)
55. — For Statement of the amount levied in Upper Canada for erecting a Lunatic Asylum, (567) **921**. — Vide *Lunatic Asylums*.
56. — To extend the time for prorogation, (579) **940**. Answer by Message, (598) **962**. — Vide *Messages*, (30.); *Prorogation of Provincial Legislature*.
57. — For the appointment of a Commissioner to investigate the mode adopted in Upper Canada, for the Collection of the Revenue therein, (588) **952**.
58. — To transmit Address to Her Majesty to admit the Products of Canada into the Ports of Great Britain, free of duty, (591) **955**. Answer by Message, (638) **1011**. — Vide *Messages*, (32.); *Duties on Exports*.
59. — To cause enquiry as to abuses in the administration of Justice in the Inferior District of Gaspé, (601) **967**. — Vide *Gaspé District Judicature Acts*.
60. — With Copy of Report of Select Committee on Petition of Directors of Toronto and Lake Huron Rail Road Company, (617) **986**. Answer by Message, (639) **1012**. — Vide *Messages*, (36.); *Toronto and Lake Huron Rail Road Company*.
61. — To transmit Address to Her Majesty on alternate Parliaments, (628) **997**. Answer by Message, (638) **1011**. — Vide *Messages*, (33.); *Parliament of Canada*.
62. — To issue His Warrant in favour of the Clerk of the House for the sum of £11,063 13s. 3d. cy. for the Contingent Expenses of this House, (631) **1001**. Answer by Message, (638) **1011**. — Vide *Messages*, (34.); *Contingencies of the House*.
63. — For consideration of the Claim of A. Manahan, Esq., in accordance with the Report and Address of House of Assembly of Upper Canada on that subject, (632) **1003**. Answer by Message, (639) **1012**. — Vide *Messages*, (37.); *Manahan, A.*
64. — Communicating Report of a Select Committee on the case of Robt. F. Gourlay, Esq., (633) **1004**. Answer by Message, (640) **1012**. — Vide *Messages*, (38.); *Gourlay, Robert F.*

ADJOURNMENTS — Vide *Legislative Assembly; Messages*, (35.)

ADMINISTRATION OF CRIMINAL JUSTICE — BILL for improvement of, presented and read, (22) **34**. Referred, (131) **223**. Reported; — Committed, (312) **551**. — Considered, (444) **710-711**. Reported, (453) **727**. Passed, (473) **778**. By the Council with amendments, (529) **868**. Considered, (530) **872**. Agreed to, (531) **873**. Royal Assent, (642) **1015**. — 4th & 5th Vic., Cap. 61.

ADMINISTRATION OF JUSTICE — Vide *Magdalen Islands*.

AGRICULTURAL SOCIETIES — BILL to continue the Act relative to, presented and read, (280) **492**. — Vide *Acts Continuation*.

——— Petition of J. Lee and others, members of the Agricultural Society of Missisquoi, for amendments to the Act of 4th Will. 4., Cap. 8, (588) **591**, (615) **984**.

AGRICULTURE — Vide *Duties on Imports*.

AGRICULTURE AND COMMERCE — Consolidated Committee — (Vide *Duties on Imports*; and *Transit of Products*) — with instruction to consider all matters relating to Agriculture and Commerce of the Province, and report from time to time, (235) **409**. First Report; Committed, (313) **552**. Petitions of T. Renwick and others; and of McPherson, Crane, and Company, also committed, (353) **595**, (388) **640**. Considered, (444) **714-716**. Resolution reported and agreed to, (445) **716**. Resolution committed; considered; — Address to Her Majesty reported, and agreed to, (581) **942-943**. Second Report; referred to Committee of whole, on *Public Improvements*, and to be printed, (431) **691**. Committal discharged, and House resolves to go into Committee on the Report, (591) **955**. Considered, (602) **969**. Three Resolutions reported and agreed to, (619) **988**.

AID AND SUPPLY — Rules of proceedings relating to, (43) **75**. — Vide *Supply*.

ALIENS — Vide *Addresses*, (34.); *Naturalization*.

——— Notice of Motion respecting following matter, **50**. BILL to Enable Aliens to hold Real Estate in the Province presented and read, (73) **134**. Second reading postponed, (110) **194**.

ALMA, JOHN — Returning Officer (Niagara Election.) Petition of, respecting charges preferred against him in the Petition of R. Melville and J. McBride, (259) **460**, (269) **476**.

ALTERNATE PARLIAMENTS — Vide *Parliament of Canada*.

AMENDMENTS — Vide *Bills*.

ANATOMICAL SCHOOLS — BILL to establish, presented and read, (72) **130**. Referred, (111) **195**. Reported; Committed, (437) **703**. Considered — no report, (628) **999**.

ANNIS' CREEK — Vide *Addresses*, (23.)

——— Petition of J.B. Warren and others, for an Act to construct a Harbour, (162) **277**, (175) **307**. Referred, (176) **308**. — Vide *Whitby Marsh*.

ANSWERS — Vide *Addresses to Governor General*.

APPRENTICE PILOTS — Vide *Pilots*.

ARTHUR AND SYDENHAM TOWNSHIPS — Petition of T. Sandilands and others — against opening a Communication between said townships, (317) **559**, (334) **577**. Referred, (359) **603**.

ASHES — Vide *Pot and Pearl Ashes*.

ASSESSMENT RETURNS — Of the late Province of Upper Canada, presented, (294) **516**.

ASSISTANT CLERK — Vide *Clerk of the House*; *Faribault, G.B.*

ASSURANCE COMPANIES — Vide *British America Fire and Life Assurance*; *Canada Fire Assurance*; *Montreal County Fire Insurance*; *Mutual Insurance*; *Sherbrooke and Stanstead Fire Insurance*.

AUCTION DUTY — Vide *Sales by Auction*.

## B

BAIRD, N.H. — Petition of, for remuneration for attending to give evidence before Select Committees of the Upper Canada Legislature, (275) **484**, (292) **513**. Referred, (294) **515**.

BALDWIN, ROBERT, ESQ. — Vide *Addresses*, (11, 16.); *Messages*, (3.)

——— Makes his election to serve for the County of Hastings, (419) **678**.

——— Gives explanation for his Resignation from Executive Council, **23**.

BALLOT — Notice of Motion respecting vote by, **111**. BILL to authorize voting at Elections for Members of the Legislative Assembly by ballot, presented and read, (94) **167**. Committed, (231) **396**. Considered — no report, (266) **470-472**. — Petition of E. O'Donnell and others of Toronto, for vote by ballot at their Municipal Elections, (435) **702**, (449) **722**. Referred, (467) **763**. — Vide *Home District Justices*.

BANK AT KINGSTON — Report of Commission for settling its affairs, presented (294) **516**. Subject Referred, (400) **653**. Report with Bill, (493) **817**. BILL to appoint additional Commissioners to settle the affairs of the late pretended Bank at Kingston, read first time, (494) **818**. Second reading, (525) **860**. Passed, (542) **890**. By the Council, (585) **948**. Royal Assent, (642) **1016**. — 4th & 5th Vic., Cap. 51.

BANK NOTES DUTY — BILL for levying a certain rate of duty on Bank Notes issued and in circulation in this Province, presented and read, (518) **849**. Committed, (525) **860**. Considered, (563) **911-912**. Reported; Recommital — *negatived*, (570) **927**. Bill passed upon division, (570) **928**. By the Council, (603) **969**. Royal Assent, (644) **1017**. — 4th & 5th Vic., Cap. 29.

BANK OF ISSUE — Resolved; That it is inexpedient at the present Session to establish a Provincial Bank of Issue, or any Issue of a paper Currency on the faith of the Province, (464) **759**. — (Reported by the Committee of whole on Public Improvements.) — Vide *Public Improvements*.

——— Petition of the Board of Trade Toronto, against, (477) **787**, (493) **816**.

BANKRUPT LAWS — Petitions for consideration of said laws: Of the Board of Trade Montréal, (171) **289**, (184) **320**. Of George P. Ridout and others, of the Board of Trade

Toronto, (250) **446**, (268) **475**. Of Alexander Morris and others, (465) **761**, (477) **787**.

——— Notice of Bill, **287**.

**BANKS** — Statement of the Affairs of the chartered Banks ordered, (74) **138**. Presented, (114) **200**, (126) **216**, (133) **227**, (148) **261**, (152) **265**, (232) **403**.

——— Petition of B. Clark and others of Cobourg, in favour of the applications of Banks for an extension of Capital, (459) **737**, (472) **777**.

——— **BILL** to authorise the chartered Banks of Upper or Lower Canada, to carry on their business throughout the Province, brought from the Council, (629) **1000**. Read thrice; passed, (630) **1000**. Reserved for Her Majesty's Pleasure, (644) **1017**.

——— *Vide Bank at Kingston; British North America Bank; Commercial Bank, Midland District; Gore Bank; Montreal Bank; Montreal City Bank; Niagara Bank; Quebec Bank; Savings Bank; Three Rivers' Bank; Upper Canada Bank.*

**BAY OF CHALEUR'S ROAD** — *Vide Public Improvements, Bill; Supply, (Resolutions.)*

**BAYONNE RIVER BRIDGE** — Petition of Louis Mosseau [or Mousseau] and others, for aid to build a Bridge over the said River, (162) **276**, (174) **306**. Referred, (207) **351**.

**BEAR CREEK** — Petition of W. Fletcher and others, against felling Trees in said Creek, (317) **559**, (334) **577**.

**BEAUDETTE RIVER ROAD** — Petition of Charles McPherson and others, for an Act to enable them to open said Road, (449) **722**, (466) **762**.

**BEAUHARNOIS COUNTY** — *Vide Elections controverted; School Visitor, Beauharnois.*

**BEEF AND PORK INSPECTION** — Notice of Bill respecting, **209**. **BILL** to regulate the Inspection of Beef and Pork, presented and read, (385) **637**. Committed, (401) **654**. Considered, (476) **784**. Reported, (476) **785**, (483) **793**. Passed on division, (492) **815**. By the Council, (585) **948**. Reserved for Her Majesty's Pleasure, (643) **1017**.

——— Petition of W. Moore of Montréal for relief from the operation of the Bill, (541) **890**, (579) **940**.

**BELL, AENEAS** — Petition of, for a situation as Messenger in Legislative Assembly, (162) **277**, (175) **307**. Referred to Committee on *Officers and Departments of the House*, (176) **308**. Report, (271) **478**. Resolution for a pension, (608) **975**. Resolution — For allowance to him for taking charge of the Parliament Building at Toronto, (631) **1001**.

——— Petition for allowance for the period the late House of Assembly of Upper Canada did not meet, (449) **722**, (466) **762**.

**BELL, JULIA** — Petition of, for remuneration as House Keeper to the late Upper Canada House of Assembly, (102) **186**, (129) **219**. Referred to Committee on *Officers and Departments of the House*, (176) **309**. Report, (271) **478**.

**BELLEVILLE TOWN** — *Vide Elections controverted.*

**BENEFIT OF CLERGY** — **BILL** for repealing the statutes relative to, presented and read, (22) **34**. Second reading postponed, (132) **223**.

**BENSON, P.M.** — Petition of, to be paid arrears due him since the 1st of May 1836, (429) **690**, (443) **712**.

**BIBLE CHRISTIANS** — Petition of, respecting lands for sites of Chapels and Burying Grounds, (54) **103**. Referred to Committee on Petition of *Sharrard, James W., and Thomas Henry*, (54) **104**.

**BIBLES** — *Vide Montreal Bible Society; Education and Schools; Scriptures duty exemption.*

**BILLS** — From the Legislative Council — *Vide Banks; Court of Chancery; Heir and Devisee Commission; Securities; Spurious Copper and Brass Coin; Education and Schools; Naturalization; Usury Laws; Sellers of Real Estate.*

——— Procedure for introducing, **39-40**.

——— When Money Bills are amended by the Council, how received, (43) **75**.



—— Public and Private — rules respecting, (44) **76**. Amended, (288) **508**.

—— Vide : *Acts continuation ; Administration of Criminal Justice ; Agricultural Societies ; Aliens ; Anatomical Schools ; Ballot ; Bank at Kingston ; Bank Notes duty ; Banks ; Beef and Pork Inspection ; Benefit of Clergy ; Board of Works ; Boundary line Commissioners Act ; Caledonia Bridge ; Canada Fire Assurance Company ; Census ; Claims for Losses ; Clerks to Magistrates ; Commercial Bank Midland District ; Contingencies covering ; Copy rights Upper Canada ; Coteau du Lac Rail Road ; Court of Queen's Bench ; Court of Requests Lower Canada ; Court of Requests Upper Canada ; Creditors relief ; Currency ; Customs duties ; Dalhousie District ; De Gaspé, P.A. ; Disabled and Infirm ; Distilleries ; District Court Laws ; Dundas Street and Humber Macadamized road ; Duties on Imports ; Education and Schools ; Elections ; Emigration ; Feudal Tenure ; Fire Companies ; Flour and Meal Inspection ; Gaspé District Fisheries ; Gaspé District Judicature Acts ; Gaspé District Notaries ; Gore Bank ; Gore District Public Buildings ; Grand River Navigation ; Haldimand and Simcoe Counties ; Haldimand Glass Works ; Hamilton Limits ; Heir and Devisee Act ; Heir and Devisee Commission ; Home District Justices ; Imprisonment for debt ; Independence of Judges ; Judge of the Court of Vice Admiralty ; Justices of the Peace ; Kent County ; Lands Public ; Larceny ; L'Assomption College ; Law and Surveying ; Law Reports ; Legal remedy ; Leggo, Christopher ; Licensed Surveyors ; Light Houses ; Loan in England ; Lumber Trade ; Magdalen Islands ; Malicious Injury to property ; Malicious Injury to property compensation ; Manchester District ; Marriage ; Medicine and Surgery ; Members vacation ; Militia Law ; Mill dams ; Montreal Bank ; Montreal Board of Trade ; Montreal Asylum for Aged and Infirm women ; Montreal City Bank ; Montreal Ladies Benevolent Institution ; Montréal roads in vicinity ; Montreal Roman Catholic Orphan Asylum ; Municipal Authorities Upper Canada ; Mutual Fire Insurance Companies, Lower Canada ; Mutual Insurance Companies, Upper Canada ; Naturalization ; Niagara District Bank ; Norfolk County ; North American Colonial Association of Ireland ; Notarial Profession ; Offences against the Person ; Pass Repeal ; Physic or Surgery ; Port Dover Harbour ; Pot and Pearl Ashes Inspection ; Presbyterian Congregation Lochiel ; Public Improvements ; Provincial Penitentiary ; Quebec Bank ; Quebec Board of Trade ; Quebec Corporation ; Québec roads in vicinity ; Religious Societies Land ; Road Act of Upper Canada ; Salaries to Officers of the Legislature ; Sales by Auction ; Sarnia Canal ; Savings Banks ; Scriptures duty exemption ; Securities in Office ; Sellers of Real Estates ; Sessional payment of Members ; Sherbrooke and Richelieu Rail Road ; Sherbrooke and Stanstead Fire Insurance Company ; Sheriffs Sales ; Simcoe County ; Simcoe District ; Steam Dredge ; Supply ; Sydenham Harbour ; Sydenham Mountain Road ; Tailhades, J.A. ; Taverns and Tavern-Keepers ; Toronto Gas Light and Water Company ; Translation of the Laws ; Trial of Impeachment ; Trinity House ; Turner, R.J. ; Turnpike Trusts ; Upper Canada Bank ; Usury Laws ; Victoria College ; Warehousing ; Welland Canal ; West Amos ; West Gwillimbury Road Act ; Winter Carriages ; Winter Roads ; Woodstock Town.*

—— Passed upon division, (276) **489**, (384) **636**, (473) **778**, (510) **837**, (569) **926**, (571) **928**, (572) **929**, (573) **930**, (596) **960**.

—— Amendments, (196) **337**, (200) **342**, (215) **375**, (301) **530**, (454) **727**.

—— Referred to Select Committee, (38) **69**, (69) **126**, (111) **195**, (131) **223**, (132) **223**, (137) **237**, (170) **284**, (237) **411**, (282) **493-494**, (315) **554**, (316) **556**, (320) **562**, (322) **564**, (355) **598**, (356) **599**, (401) **654**, (422) **681**, (503) **830**.

—— Amendments by the Council, (368) **615**, (371) **617**, (419) **677**, (423) **682**, (438) **704**, (439) **706**, (447) **718**, (475) **780**, (479) **789**, (496) **822**, (505) **832**, (511) **839**, (530) **872**, (531) **872**, (546) **895**, (548) **897**, (549) **898**, (601) **967**, (602) **968**, (610) **977**, (619) **988**, (621) **990**.

—— Ryders. — Vide *Clauses*.

—— Deposits on Private Bills to be refunded, (496) **821**.

—— Amendments to Amendments of the Council, (515) **842**.

—— Vide *Printing*.

**BINDING JOURNALS** — Vide *Journals*.

**BIRTHS, MARRIAGES AND BURIALS** — Returns thereof for Lower Canada for the years, 1838, 1839 and 1840 to be inserted in the Appendix to the **JOURNALS**, (243) **430**.

**BLUE BOOK** — Vide *Addresses*, (35.)

BOARD OF WORKS — Notice of Motion respecting the establishment of a, 151. House resolves to go into Committee to consider of repealing Ordinances of Lower Canada respecting ; and making further provision therefor, (116) 202. Considered, (138) 238. Resolution reported and agreed to, (139) 238-239. BILL presented and read, (139) 239. Committed, (192) 329. Considered, (210) 361-364, (241) 420-426. Read third time ; Ryder proposed and *negatived* ; Recommittal *negatived*, and the Bill passed, (250) 446-447. By the Council, (301) 529. Royal Assent, (359) 602. — 4th & 5th Vic., Cap. 38.

—— House resolves to go into Committee to consider of vesting in the Board of Works the control of certain Light Houses and other public Works, and amending and repealing certain Acts thereto, (315) 554.

BOLDUC, JOSEPH — Petition of, for remuneration for past services as Messenger of the late Lower Canada Legislature Council, (429) 690, (443) 712. Referred to Committee of whole on *Salaries to officers of the Legislature*, (444) 712.

BONAVENTURE COUNTY — Vide *Elections controverted*.

—— Petition of William Burton and others, that at future Elections the Polls may be taken at different places in said county, (259) 460, (269) 475. Also petitions of Inhabitants of Ristigouche — of Inhabitants of Shoolbred ; and of Frederick Dugas and others, that New Carlisle be not again the Polling place of said County, (35) 52-53, (163) 277, (175) 307. Motion for a select Committee on Polling Places, Withdrawn, 349.

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BOUNDARY LINE COMMISSIONERS — Petition of Michael M. Traxlar and others of Chatham, Western District, against the decrees thereof, (162) 277, (174) 307.

BOUNDARY LINE COMMISSIONERS ACT — House resolves to go into Committee to consider of amending the Laws of Upper Canada, respecting Boundary Line Commissioners, (229) 395. Considered, (287) 508. Resolution reported and agreed to, (288) 508. BILL presented and read, (288) 508. Referred, (320) 562. Reported, (477) 787.

—— House resolves to go into Committee to consider of repealing the Laws of Upper Canada, respecting Boundary Line Commissioners, (463) 744.

BRANTFORD AND LONDON ROAD — Vide *Public Improvements, Bill ; Supply, (Resolutions.)*

BRISLANE, MARGARET — Petition of, for compensation for a lot being granted to another person after location to her husband, (283) 502, (299) 527.

BRITISH AMERICAN LIFE ASSURANCE — Statement of its affairs, ordered, (54) 104. Presented, (146) 257.

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BROCK'S MONUMENT — Select Committee appointed to enquire into the state and condition thereof, and respecting certain moneys and medals connected therewith, on division, (567) 921. Report, (617) 986. Commissioners appointed to take charge of the Monument, (618) 987.

BROCKVILLE INCORPORATION — Petition of Paul Glasford [or Glassford] and others for repeal of the Act incorporating said Town, (491) 815, (523) 857.

BURLINGTON BAY CANAL — Vide *Public Improvements, Bill ; Supply, (Resolutions.)*

—— Notice of Motion respecting defective state of, 239 ; question on same matter, 286.

BUTT, JOHN — Petition of J.G. Geddes and others to empower the Vice Chancellor to appoint Trustees to execute the will of the late John Butt, (334) 576, (352) 595. Referred, (353) 595.

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CALEDONIA BRIDGE — Petition of Inhabitants of Grand River Lands, for an Act of Incorporation, (21) **34**. Referred, (102) **186**. BILL reported and read, (187) **323**. Committed, (248) **443**. Considered, (273) **481**. Reported, (281) **493**. Passed, (284) **503**. By the Council, (317) **559**. Royal Assent, (640) **1014**. — 4th & 5th Vic., Cap. 79.

CALLS OF THE HOUSE — Vide *Legislative Assembly*.

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CANADA FIRE ASSURANCE COMPANY — Petition of the President and Directors for an Act of Incorporation, (70) **129**. Referred, (70) **129**. BILL reported and read, (93) **165**. Committed, (110) **195**. Considered ; Reported, (231) **399**. Passed, (233) **404**. By the Council with amendments, (406) **660**. Considered, (438) **704**. Agreed to, (439) **706**. Royal Assent, (640) **1014**. — 4th & 5th Vic., Cap. 57.

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CHAMBLY CANAL — Report of Commissioners of, presented, (119) **206**.

—— Notice of Motion respecting statement of expenses of, **209**.

CHAMPLAIN AND ST. LAWRENCE RAIL ROAD — Statement of its affairs presented, (126) **216**.

CHANCERY — Vide *Court of Chancery*.

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- Petitions of J. Atkinson, referred, (130) **220**; Of W. Wheeler, and of P. Row, (269) **476**.
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- House resolves to go into Committee, to consider of making Provision for the payment of claims arising out of the late Rebellion in Lower Canada, (405) **659**. Considered, (446) **718**. Resolution reported and agreed to, (455) **728**. BILL presented and read, (455) **728**. Committed, (475) **779**. — *Vide Rebellion*.
- CLAUSES — Added to Bills as Ryders, (383) **634-635**, (465) **761**, (508) **836**, (566) **919**, (582) **943**.
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- COBOURG HARBOUR — *Vide Addresses, (20.); Harbours*.
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- COLLECTOR OF CUSTOMS — *Vide Comptroller of Customs*.
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COMMERCIAL BANK MIDLAND DISTRICT — Statement of its affairs presented, (114) **200**.

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—— BILL to increase its capital stock presented and read, (432) **693**. Committed, (463) **742**. Considered; no quorum, (529) **868-869**. Final report of Select Committee on Currency and Banking also committed, (552) **901**. Bill and Report considered, (565) **915**. Bill reported, (574) **931**. Passed, (578) **939**.

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—— Rise without reporting, (173) **304**, (248) **442**, (266) **472**, (273) **481**, (308) **545**, (484) **800**, (504) **831**, (628) **999**, (629) **999**.

—— Instructions, (295) **516**, (405) **659**, (489) **811**, (606) **972**.

——— Discharged from consideration of certain matters, (315) **554**, (552) **901**, (579) **940**, (590) **953**, (591) **955**, (606) **972**.

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——— A Member recorded in a Report as dissentient thereto, (166) **281**, (203) **346**.

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——— Instructions to, (235) **409**, (322) **564**, (496) **821**, (597) **961**.

——— To report from time to time, (116) **203**, (119) **206**, (130) **220**, (133) **228**, (167) **281**, (229) **395**, (234) **408**, (235) **409**, (247) **441**, (315) **554**.

COMMITTEES, STANDING — Notice of Motion respecting following matter, **50**. House resolves to proceed to ballot for a Select Committee to prepare and report lists of Standing Committees, (37) **54**. Order discharged upon division, (79) **144-150**.

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COMPTROLLER OF CUSTOMS — Motion, respecting the appointment and salary of a Comptroller of Customs under the Great Seal of the Province with certain duties. Amendment — for a Select Committee to enquire into the Collection of Customs in Upper Canada — Amendment *carried*, (495) **819**. Report; agreed to, (588) **951**. — Vide *Addresses*, (57.)

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——— Postage on all letters not exceeding one ounce, and printed papers to and from Members and Petitions enclosed, to be charged to the contingencies of the House, (10) **17**.

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——— Select Committee appointed on the contingent accounts of the House during the present Session and to report from time to time, (119) **206**. Matters referred: — Petitions of Alfred Patrick, (260) **460**. Of Alpheus Todd, (340) **583**. Of P.A. Weilbreuner [or Weilbreuner], (353) **596**. Subject of remunerating the Speaker of late House of Assembly of Upper Canada, (371) **618**. Petition of Robert Defries and others, (430) **690**. Petition of Alfred Todd and Thaddeus Patrick; and of M. McCarty, (472) **777**. Report of Select Committee on Petition of E. Parent, Esq., (482) **792**. Petition of A. Jobin, (542) **891**. First report, (187) **323**. Committed, (189) **324**. Considered, (202) **345**. Resolution reported and agreed to, (209) **354**. Second report, (269) **476**. Committed; Considered, (270) **477**. Four Resolutions reported and agreed to, (280) **492**. Two Members added, (482) **793**. Instruction to consider the amount of salary, allowances, and perquisites enjoyed by the Clerk of this House, when in office in the late Province of Lower Canada, as Clerk to the House of Assembly, and Clerk to the Special Council, (496) **821**. Third Report, (544) **893**. Committed, (546) **895**. A Member added, (579) **940**. Considered, (587) **949**. Seven Resolutions reported, (595) **959**. The fifth Resolution amended, the others agreed to, (596) **959**. Fourth Report, (621) **991**. Committed; Considered, (629) **999**, (631) **1001**. Ten Resolutions reported and agreed to, (631) **1001**. — Vide *Addresses*, (62.)

——— Complaint on lack of Information on Revenue and Expenditure, **689**.

CONTINGENCIES COVERING — Notices of Motion, respecting following matter, **69**, **239**. Notice of Resolutions, **688-689**. Day appointed to consider of providing the balance of the contingent expenses of the last Session of the Legislature of Upper Canada, (524) **859**. Considered; Resolution reported and agreed to, (624) **993**. BILL presented and read twice, (624) **993**. Passed, (628) **998**. By the Council, (633) **1005**. Royal Assent, (643) **1016**. — 4th & 5th Vic., Cap. 46.

COPPER AND BRASS COINS — Vide *Spurious Copper and Brass Coins*.



**COPY RIGHTS, LOWER CANADA** — House resolves to go into Committee to consider of repealing the Act of Lower Canada, 2 Will. 4, Cap. 53, relating to protection of Copy rights, and to make new enactments for Canada, (386) **637**. Subject considered, (445) **717**. Resolution reported and agreed to; referred to Select Committee on the Copy rights Bill of Upper Canada, (446) **717**. *Infra*.

**COPY RIGHTS, UPPER CANADA** — BILL for the protection of Copy rights in Upper Canada presented and read, (182) **316**. Committed, (305) **541**. Committal discharged; Referred, with instruction to extend its provisions to the Province of Canada, (322) **564**. Resolution on Copy rights of Lower Canada also referred, (446) **717**. Bill reported; Committed, (461) **739**. Considered; Reported, (629) **999**. Passed, (634) **1006**. By the Council, (639) **1011**. Royal Assent, (643) **1016**. — 4th & 5th Vic., Cap. 61.

**COTEAU DU LAC** — Vide *Collector of Customs, Coteau du Lac*.

**COTEAU DU LAC RAIL ROAD** — House resolves to go into Committee to Consider of amending Ordinance of 4 Vic., Cap. 41, authorising the formation of a Rail Road from Montréal to Coteau du Lac, (314) **553**. Considered, (611) **978**. Resolution reported and agreed to; BILL presented and read, (612) **979**. Second reading, (620) **989**. Passed, (620) **989**. By the Council [under the title: Montreal and Pointe au Beaudet Rail Road], (632) **1002**. Royal Assent [under said title], (643) **1016**. — 4th & 5th Vic., Cap. 49.

**COURT OF CHANCERY** — Vide *Addresses*, (18.)

—— BILL to explain and amend an Act of Upper Canada for establishing, brought from the Council and read, (240) **419**. Committed, (282) **494**. Consideration postponed, (354) **597**.

**COURT OF QUEEN'S BENCH** — BILL to facilitate the business of the Court of Queen's Bench of Upper Canada, presented and read, (271) **478**. Second reading, (282) **494**. Passed, (283) **502**. By the Council, (317) **559**. Royal Assent, (359) **602**. — 4th & 5th Vic., Cap. 5.

**COURT OF REQUESTS, LOWER CANADA** — Petitions of Thos. Hains and others, and of Thos. Barron and others, for the revival of the Act of 6 Will 4., Cap. 17, for the summary trial of small causes, (206) **351**, (207) **351**, (227) **392**.

—— House resolves to go into Committee to consider of repealing an Ordinance of Lower Canada respecting the recovery of small debts, (471) **767**. Instructions to Committee relative to certain Ordinances of Lower Canada; subject considered, (489) **811**. Three Resolutions reported and agreed to, (490) **811**. BILL to provide for the more easy and expeditious Administration of Justice relating to matters of small pecuniary value in Lower Canada presented and read, (490) **812**. Referred, (503) **829**. Reported; Committed, (523) **858**. Considered; Reported, (539) **882**. Passed, (554) **902**. By the Council, (604) **970**. Royal Assent, (642) **1016**. — 4th & 5th Vic., Cap. 20.

—— Comments upon Judicature Bill, **917**.

**COURT OF REQUESTS, UPPER CANADA** — House resolves to go into Committee on Court of Requests Law of Upper Canada, (100) **180**. Subject considered; Resolution reported and agreed to, (137) **234-236**. BILL to repeal the Laws of Upper Canada for the recovery of small debts, and make other provision therefor presented and read; to be printed, (137) **237**. Committed, (191) **329**. Considered, (210) **359-361**, (258) **457-458**. Reported, (264) **465**. The 30th amendment amended on division, (264) **465-466**. On third reading, Motion to discharge the Order and a Resolution proposed and *negatived*, (275) **484-488**. Passed on division, (276) **488**. By the Council, (399) **651**. Royal Assent, (440) **707**. — 4th & 5th Vic., Cap. 3.

—— Petitions against the Bill: — Of Charles Bockus and others, (242) **429**, (259) **460**. Of Guy H. Youngs and others, (275) **484**, (292) **513**.

**COURT OF VICE ADMIRALTY** — Vide *Judge of the Court of Vice Admiralty*.

**CREDITORS RELIEF** — BILL to extend the benefits of a certain Act of Upper Canada, to creditors resident in Lower Canada, presented and read, (453) **726**.

**CRIMINAL JUSTICE** — Vide *Administration of Criminal Justice; Benefit of Clergy; Larceny; Magdalen Islands; Malicious injuries to Property; Offences against the person*.

CROOKS, JAMES — Petition of, for relief, in consequence of the capture of a Schooner by the Americans during the late War with the United States, (486) **803**. Referred, (486) **803**. Report, (588) **952**.

CROSS POINT ROAD — Petitions of Mungo Murray and others of Shoolbred, and of Norman McLeod and others of the River Ristigouche, for assistance to open a Road from Cross Point, to Carleton (by consent of His Excellency), (97) **175**, (113) **200**.

CURRENCY — Petitions on the subject of the : — Of the Board of Trade of Montreal, (52) **86**. Referred, (130) **220**. *Infra* — again referred to Committee on *Currency and Banking*, (171) **290**. Of Geo. P. Ridout, President of the Board of Trade, Toronto, (171) **290**, (185) **321**. Referred to Committee on *Currency and Banking*, (185) **321**.

—— Notice of Motion respecting following matter, **151**. Select Committee appointed on the subject of exchange and currency of the Province, (99) **180**. Members added, (115) **202**, (119) **206**. Petition of Board of Trade Montréal referred, (130) **220**. Committee incorporated with the Committee on *Banking Petitions*, (167) **281**. — *Vide Currency and Banking*.

—— Question respecting following matter, **39**. BILL to regulate the Currency of this Province presented and read, (266) **470**. Committed, (285) **504**. Considered; Reported, (322) **563-564**. Passed, (334) **576**. By the Council with Amendments, (442) **710**. Committed, (444) **713**. Considered; agreed to, (479) **789**. Reserved for Her Majesty's pleasure, (643) **1016**.

CURRENCY AND BANKING — Select Committees on Currency, and on Banking Petitions, incorporated; to report from time to time, (167) **281**. Two Members added; Instruction, to enquire into the subject of the Usury Laws, (167) **281**. Subjects referred : — Petitions of Board of Trade Montréal, (171) **290**. Of Upper Canada Bank for increase of Capital Stock and extension of operations; and two Petitions of George P. Ridout on Currency, and on the Usury Laws, (185) **321**. First Report, (234) **408**. Committed, (234) **408**. Considered; Three Resolutions reported; Agreed to, (265-266) **466-470**. — *Vide Currency*. Second Report, (336) **578**. Committed; Considered; Resolution Reported, and agreed to, (337) **579**. — *Vide Upper Canada Bank*. Third Report with Bill, (367) **614**. — *Vide Usury Laws*. Final Report, with Address to Her Majesty on the subject of the Charter of the Bank of British North America, (436) **703**. Committed; to be printed, (437) **703**. Committal discharged; referred to Committee of whole on *Commercial Bank, Midland District Bill*, (552) **901**.

CUSTOMS DUTIES — BILL to repeal certain Acts, and to consolidate the Laws relating to the Provincial Duties to be levied on Goods, Wares and Merchandize, imported into this Province, presented and read, (518) **849**. Committed, (525) **860**. Considered, (564) **914**, (574) **931**. Recommitted; Considered, (584) **946-947**. Reported; agreed to on division, (592) **956**. Motion to re-commit the Bill, *negated*; Another motion to postpone its consideration, *negated*, (593) **957**. Bill Passed, (594) **957**. By the Council, (609) **976**. Royal Assent, (644) **1018**. — 4th & 5th Vic., Cap. 14.

## D

DALHOUSIE DISTRICT — Petition of F. McKay and others for loan to build a Gaol and Court House therein, (199) **342**, (211) **367**.

—— House resolves to go into Committee of whole to consider the Acts of 1st and 3rd Vic., relating to the erection of a Gaol and Court House in said District, (208) **352**. Considered; Resolution reported and agreed to, (216) **377**. BILL to authorise a further loan to, (237) **411**. Considered, — No Quorum, (274) **482**. Again considered, (281) **493**. Reported, (285) **504**. Passed, (291) **512**. By the Council with amendments, (428) **687**. Considered and agreed to, (447) **718**. Royal Assent, (640) **1014**. — 4th & 5th Vic., Cap. 76.

DAVIDSON, ALEXR. — Petition of, for an exclusive right to publish the Canadian Spelling Book, (163) **277**, (175) **307**.

DEBENTURES, GOVERNMENT — Schedule of, presented by the Receiver General; to be printed, (78) **142**.

DEFENCE — Views of Her Majesty's Government on the subject of the defence of the Province, (178) **311**.

DEFRIES, ROBERT — Allowance of 10s. per diem as Post Office Messenger, (513) 841.

DEFRIES, ROBERT, AND OTHERS — Messengers of late House of Assembly of Upper Canada. Petition of, for £20 each as their last years salary, (387) 639, (403) 657. Referred to Select Committee on *Contingencies of the House*, (430) 690. Report, (545) 893. Agreed to, (596) 960.

DE GASPÉ, PHILIPPE AUBERT — Petition of, to be released from Imprisonment, (193) 331. Referred, (207) 351. Four Members added to Committee, (213) 369. Report, (278) 490. BILL for his relief, presented and read, (279) 491. Committed, (300) 529. Considered, (307) 543. Passed, (309) 547. By the Council, (365) 612. Royal Assent, (640) 1014. — 4th & 5th Vic., Cap. 83.

DEPUTY CLERK — W.P. Patrick, Esq., appointed Deputy Clerk during Recess of Parliament, (614) 983.

DEPUTY GOVERNOR — Vide *Messages Deputy Governor*.

——— Question respecting Sir James Stuart's Commission as, 304-305.

——— Bills sanctioned by him, (640) 1014.

——— Bills reserved by him for the signification of Her Majesty's pleasure, (643) 1016.

——— Speech from him at the close of the Session, (645) 1018.

DEPUTY POST MASTER GENERAL'S DEPARTMENT — Vide *Addresses*, (40.) Motion to appoint Select Committee to enquire into, *negatived*, (363) 607.

DESJARDINS CANAL — Petition of James Ewart and others, for Government to assume the property of the said Canal, (259) 460, (268) 475. Referred, (312) 551. Report; Committed, (461) 739. Considered, — No report, (629) 999.

DESPATCHES — From Lord John Russell explaining the views of Her Majesty's Government on several of the most important subjects connected with Canada, (177) 310. To be printed, (180) 313.

——— Extract of Despatch relating to Address of House of Assembly of Upper Canada, on the subject of Christopher Leggo, (243) 430. Referred, (253) 452. — Vide *Leggo, Christopher*.

——— Extract of, from the Governor General on encouraging Settlers from the United States, (390) 642.

DISABLED AND INFIRM — BILL for the relief of disabled and infirm persons, presented and read, (21) 34. Committed, (101) 183. Consideration, *negatived*, (231) 396-397.

DISTILLERIES — BILL to impose a duty upon Distilleries in that part of the Province heretofore Lower Canada, presented and read, (519) 849. Committed, (525) 860. Considered, (563) 912-913. Reported; Recommittal, *negatived*, (571) 928. Bill amended; Passed on division, (572) 929. By the Council, (603) 969. Royal Assent, (644) 1017. — 4th & 5th Vic., Cap. 31.

DISTRICT COUNCILS — Vide *Municipal Authorities; Municipal Districts, Lower Canada*.

DISTRICT COURT LAWS — House resolves to go into Committee to consider the Laws of Upper Canada respecting the payment of Judges and Clerks in said Courts, (240) 418. Considered; a Resolution reported and agreed to, (267) 473. BILL to alter and amend the Laws of Upper Canada, relating to District Courts presented and read, (271) 478. Committed, (381) 627. Considered, (434) 701. Reported, (437) 704. Read third time; Ryder (Clause A.) agreed to, (465) 761. Ryder (Clause B.) moved, (465) 761. Amendment to the last Ryder; Bill and Ryder postponed for further consideration, (466) 762. Again considered, (472) 777. Ryder (Clause B.) agreed to, on division; Bill passed on division, (473) 778. By the Council, (502) 829. Royal Assent, (642) 1015. — 4th & 5th Vic., Cap. 8.

——— House resolves to go into Committee to consider of altering and amending the Law regulating the different District Courts. Considered; Resolution reported and agreed to, (536) 878. BILL presented and read, (537) 879.

DISTRICT OF THREE RIVERS — Petition of the Honorable M. Bell and others, against the dismemberment of the District, (133) 227, (165) 279.



DISTRICT SCHOOLS — Vide *Education and Schools*.

DISTRICT TREASURERS, UPPER CANADA — Vide *Sessional Payment to Members*.

DIVORCE — Petition of George V. Kornor asking for, withdrawn, **38-39**.

DOOR KEEPER — His salary made up to £80, (631) **1001**.

DOWER — Petition of the Inhabitants of the Home District respecting the Law of Dower, (21) **33**. Referred, (50) **84**.

DUNDAS STREET AND HUMBER MACADAMIZED ROAD — Petition of J. Grubb and T. Musson [or Masson] for an Act of Incorporation, (21) **33**, **135**. Referred, (253) **452**. BILL presented and read, (299) **528**. Committed, (401) **654**. Considered; Reported, (448) **720**. Passed, (459) **737**. By the Council, (501) **828**. Royal Assent, (641) **1015**. — 4th & 5th Vic., Cap. 60.

DURAND, GEO. — Vide *Sarnia Canal*.

DURHAM TOWNSHIP — Petition from divers proprietors respecting a new survey of said Township, (95) **168**. And of Bernard Smith that the subject of the survey be referred to the Courts of Justice, (259) **460**, (269) **476**. Petitions referred, (95) **168**, (277) **489**. A Member added to Committee, (277) **489**. Report, (284) **503**.

DUTIES ON EXPORTS — Vide *Addresses*, (14.)

—— Message of Governor General (7.) on Address of House of Assembly of Upper Canada relating, to the introduction of Products of the Province into the Ports of Great Britain free of duty, (201) **344**. Referred, (229) **395**. This Committee incorporated with Committee on *Transit of Products*, (235) **409**. — Vide *Agriculture and Commerce*.

—— Petition of Thomas L. Crooke and others for admission of Canadian Produce into Great Britain free of duty, (465) **761**, (477) **787**.

DUTIES ON IMPORTS — Notice of Address respecting following matter, **50**. — Vide *Addresses*, (12.)

—— Message (8.) respecting Act of Upper Canada levying duties on Imports from the United States, (201) **344**.

—— House resolves to go into Committee to consider the laws levying duties on Imports into this Province, (104) **188**. Considered; Resolution reported and agreed to, (245) **434**. — Vide *Scriptures duty exemption; Addresses*, (12.)

—— Petitions for a protecting duty on American Produce: — Of Inhabitants of Township of Innisfil, (54) **103**. Of A. Murphy and others, (233) **404**, (242) **429**. Of J. Arnold and others, (403) **656**, (417) **676**. Of J. Whitehead and others; Of J. Covernton and others, (477) **787**, (493) **816**. Of W. Holmes [or Holms] and others, (508) **836**, (529) **871**.

—— Notice of Motion respecting following matter, **50**. House resolves to go into Committee to consider of imposing a duty on Agricultural and other produce, imported from the United States, (302) **530**. Considered, (488) **805-810**. Resolution reported, (498) **824**. Agreed to, (499) **825**. BILL presented and read, (499) **825**. Committed, (562) **911**. Petition of Messrs. Freeland and Taylor committed on the Bill, (588) **951**. Bill considered, — No Report, (612) **979-980**.

—— Petition of Messrs. Freeland and Taylor, against the duty on Tallow, (587) **951**. Committed on the Bill, (588) **951**. *Supra*.

DUTIES ON TIMBER — Vide *Lumber Trade; Addresses*, (4, 5, 17.)

## E

EDUCATION AND SCHOOLS — Vide *Scriptures duty exemption*.

—— Petitions for the introduction of the SCRIPTURES as a Class Book in Schools and Seminaries throughout the Province: — Of William King and others of the Township of Bury and Lynwick, (35) **52**. Of the Clergyman and Members of the Church of England in St. Armand West, (69) **128**. Of the Inhabitants of Charleston and Hatley in the County of Stanstead, (95) **169**. Of Reverend J. Torrance and others of the Church of England in Mascouche; Of the Clergy and Members of the Church of England in

Melbourne ; Of Malcolm Frazer [or Fraser] and others of Rivière-du-Loup ; Of the Rev. William Brethour and others of Beauharnois ; Of John McDonald and others of Leeds and Landsdowne, (127) **217**, (164) **278**. Of the Rev. Andrew Balfour and others of the Town of Shefford, (133) **227**, (165) **279**. Of the Clergy and Members of the Church of England, in the Eastern Townships of the District of Montreal, (162) **276**, (174) **306**. Of the Minister and Members of the Church of England at the Rivière-du-Loup, (163) **277**, (175) **307**. Of the Right Reverend Bishop of Montréal and others of Québec, (174) **306**, (194) **331**. Of the Reverend Edward Black and others, City of Montréal, (199) **342**, (211) **367**. Of the Reverend Joseph Abbott and others of Grenville, (206) **351**, (227) **392**. Of A.A. Adams and others, of the County of Stanstead, (224) **386**, (233) **404**. Of James George, Moderator of Synod, (242) **429**, (259) **460**. Of William Cox and others, Township of Whitby, (268) **475**, (283) **502**. Of Clergy and Members of the Church of England, Parish of Montreal, (275) **484**, (291) **513**. Of the Reverend R.V. Hall and others of the Township of Stanstead, (283) **502**, (299) **527**. Of Richard Loucks and others, Members of the Presbyterian Church at Osnabruck ; Of Arthur Palmer and others, Board of Education, District of Wellington ; Of the Presbyterian Congregation of South Gower ; Of the Reverend William Abbott, Rector of St. Andrews, Ottawa River, and others, (303) **539**, (318) **560**. Of the Reverend Walter Roach and Elders of the Scotch Church at Beauharnois, (308) **547**, (324) **566**. Of the Reverend William Muir and others, of the Townships of Chatham and Grenville, (324) **566**, (340) **583**. Of the Reverend S.C. Fraser and of the Township of Inverness, (352) **594**, (365) **611**. Of the Reverend Joseph Anderson and others of the Congregational Church in Melbourne, (364) **611**, (388) **640**. Of the Reverend John McMorine and others of the Presbyterian Church in Melbourne ; Of the Reverend John Cook and others, of Québec, (365) **611**, (388) **640**. Of the Rev. Richard Anderson and others, of the Church of England in New Ireland ; Of the Rev. John Maning and others, of the Church of England in the Seignory of St. Gilles, (403) **656**. [After being presented, both petitions were referred, (411) **667**, without being read.] Of the Rev. Alexander Mann and others of the Township of Fitzroy and Torbolton, (410) **666**, (430) **690**. Of the Rev. Hugh Urquart and Elders, of St. John's Church, Cornwall, (416) **674**, (435) **702**. Of Gerald Alley and others, of the Township of Orillia, (443) **712**, (449) **722**. Of Daniel Allan and others, Inhabitants of Stratford, (472) **777**, (486) **803**. Of the Reverend Alexander Mann and others, Township of Pakenham ; Of John Paris and others of the Townships of MacNab and Horton, (491) **815**, (523) **857**. Of the Reverend J. Machar and Elders of Congregation of St. Andrews Church, Kingston, (541) **890**, (578) **939**. Of W. Leslie and others of Streetsville, (541) **890**, (578) **940**. Of C.P. Treadwell and others, (588) **951**, (615) **984**.

— For References of the above Petitions to select Committee on the Common School Bill, (293) **515**, (311) **549-550**, (318-319) **560**, (325) **567**, (335) **577**, (353) **596**, (385) **636**, (388-389) **641**, (411) **667**, (487) **804**. *Infra*.

EDUCATION AND SCHOOLS — Petitions for aid to, and on the Establishment and management of Schools : — Of J. Rae and others, on the Kempt Road, County of Bonaventure, aid for a teacher, (133) **227**, (165) **279**. Of Joseph Meagher and others of Carleton, County of Bonaventure, for allowance for Education ; Of the Society of Education, Town of Three Rivers, aid for a School, (163) **277**, (175) **307**. Of the Honourable John G. Thompson and others of New Carlisle, aid for Education, (184) **320**, (202) **345**. Of Reverend William Muir and others ; Of Joseph Huston and others, of the Township of Chatham, Lake of Two Mountains, for the establishment of Schools, (206) **351**, (227) **392**. Of William Bowron and others, Godmanchester, for an efficient system of Education in the Eastern Parts of the Province, (224) **386**, (234) **404**. Of the Reverend William Anderson and others, of William Henry ; Of James Kennedy and others of the Township of Chatham, County of the Lake of Two Mountains, for the Establishment and support of Schools throughout the Province, (239) **418**, (253) **451**. Of William Young of the latter place, aid for a School, (240) **418**, (253) **451**. Of the Reverend Andrew Balfour, Township of Waterloo, County of Shefford, aid to a School, (242) **429**, (259) **460**. Of Neil McDonald and others, School Trustees of township of Georgina, aid for a School, and house for a teacher, (268) **475**, (283) **502**. Of the Trustees of Stanstead Seminary, aid to said School, (275) **484**, (291) **513**. Of John Le Boutillier and others of Percé, County of Gaspé, aid to a School, (298) **527**, (303) **540**. Of Samuel Galloway and others of Wentworth, County of the Lake of Two Mountains, aid for a School, (303) **539**, (318) **560**. Of Charles Currie and others of the Gore of Chatham, aid for Education throughout the Province, (324) **566**, (340) **583**. Of M.B. South-

wick and others of St. Hilaire de Rouville, aid to establish an English School, (334) **576**, (352) **595**. Of John Miller [or Millar] and others, Inhabitants of St. Scholastique ; Of Andrew Timins and others of the Seignory of Argenteuil ; Of Archibald Campbell, Senior, and others of the Townships of Grenville and Harrington ; Of James Young, Inhabitants of Grenville ; Of Archibald Campbell, Junior, and others, of Grenville, all of the County of the Lake of Two Mountains, for the support of Teachers of Schools, (410) **666**, (429) **690**. Of Alexander Malcolmson and others, of the Township of Grenville, for a general system of Education throughout the Province ; of P.S. [or S.S.] Foster and others, of Stukely, Bolton and other places, for an aid to pay a teacher, (459) **737**, (472) **777**. — Vide *Gaspé County*.

— For References of the above Petitions to select Committee on the Common School Bill, (311) **549-550**, (410) **666**, (430) **691**, (477) **787**, *Infra*.

— Petition of the Right Reverend the Bishop and Clergy of Toronto — that the education of the children of their own Church, may be entrusted to their own Pastors, and allowance made from the assessments for that purpose, (364) **611**, (387) **640**. Referred to committee on the Common School bill, (388) **641**, *Infra*.

— Petition of Remegius [or Remégious] Gaulin, Roman Catholic Bishop of Kingston, respecting the principles of the Common School Bill, and desiring the same may not become a law until the opinions of the Catholics and other religious denominations thereon are known ; Of A. Mauseau and H. Hudon, for the same (365) **611**, (388) **640**. Referred to Committee on the Common School Bill, (417) **676**. Of the Right Rev. the Bishop of Québec, refused to Committee on the Common School Bill, (413) **669**.

— Petitions of William Logie, and others of Town of Kingston ; Of William Smart, and others of the town of Brockville — to place the Grammar Schools on a more efficient footing ; Of A. Gale and others, for amendments in the Act establishing District Schools, (477) **787**, (492) **816**. Of A. Gardiner and others, and of J. Chep and others, for the encouragement of Grammar Schools, (522) **857**, (542) **890**. Referred, (530) **871**.

— Notice of Motion respecting following matter, **287**. House resolves to go into Committee to consider of repealing certain laws relating to Common Schools in Upper Canada, and making provisions for such Schools in this Province, (190) **326**. Considered, (210) **355** ; Resolution reported and agreed to, (210) **355**. BILL to repeal certain Acts therein mentioned and make provision for the establishment and maintenance of Common Schools throughout the Province, presented and read, (210) **355-359**. To be printed, (210) **359**. Committed, (281) **493**. The petition of the Reverend R.V. Hall, and others of Stanstead, referred to the Committee of whole on the Bill, (293) **515**. Also other Petitions, referred to said Committee, (311) **549-550**. Committee of whole discharged, and the said Bill and Petitions referred to a Select Committee, (315) **554**. Other petitions referred to the Select Committee on the Bill, (318-319) **560**, (325) **567**, (355) **577**, (353) **596**, (385) **636**, (388-389) **641**, (410) **666**, (411) **667**, (413) **669**, (430) **691**, (477) **787**, (487) **804**. Return to address to the Governor General respecting certain moneys arising from the Jesuits' Estates also referred, (418) **677**. Seven members to be a Quorum, (453) **726**. A member added to the Committee, (453) **726**. BILL reported ; Committed, (493) **816**. Considered, (585) **947**. Reported — (Vide *Questions negatived*.) Passed, (594) **958**. By the Council, (633) **1005**. Royal Assent, (644) **1017**. — 4th & 5th Vic., Cap. 18.

— BILL to repeal a certain Act relating to Education, and to make other provision for the encouragement thereof, brought from the Council and read, (502) **829**. Second reading, (536) **878**.

— House resolves to go into Committee, to consider of repealing an Act of Upper Canada, providing for the advancement of Education, (553) **901**. Considered, (586) **949**. Resolution reported and agreed to, (587) **949**. BILL to appropriate funds from sale of certain School lands in Upper Canada, presented and read, (587) **949**. Committed ; Considered, (597) **960**. Reported ; Passed, (604) **970**. By the Council, (612) **981**. Royal Assent, (642) **1016**. — 4th & 5th Vic., Cap. 19.

ELECTION LAWS OF LOWER CANADA — Notice of Motion respecting, **135**.

ELECTIONS — BILL the better to provide for the freedom of Elections, presented and read, (12) **20**. To be printed, (99) **179**. Second reading, (205) **348**. Committed, (256) **454**. Considered, (281) **493**. Further consideration, discharged and Bill referred to Select Committee, (282) **493**. Reported ; Committed, (325) **567**. Considered, (401) **654**, (415) **672**. Reported ; Bill amended, (421) **680**. Further amendments moved and *nega-*



*tived*, (421) 680, (422) 681. Bill passed, (441) 707. By the Council with amendments, (502) 829. Considered, (512) 839. Agreed to, (512) 840. Reserved for Her Majesty's pleasure, (643) 1017.

—— Motion for a Select Committee on Polling Places, withdrawn, 349.

—— BILL to provide for the Enregistration of persons entitled to vote at elections of members of the Legislative Assembly, and to make better provisions for holding of such elections, presented and read (256) 454. Order for second reading discharged, and Bill referred to Select Committee on the Freedom of Elections Bill, (282) 494. Reported; Committed, (325) 567. Considered, (401) 654. To be printed, (406) 660. Again considered, (415) 672, (620) 990. Reported, (621) 990. Passed, (634) 1005.

—— BILL to compel all Candidates at future Elections to make and subscribe detailed qualifications of their property under which they qualify, presented and read, (368) 615. Committed, (406) 660. Considered; Reported, (485) 800. Third reading, (508) 836. Ryder (Clause A.) agreed to, (508) 836. Motion to recommit the Bill, *negatived*; passed upon division, (510) 837. By the Council, (540) 884. Royal Assent, (642) 1015. — 4th & 5th Vic., Cap. 52.

ELECTIONS, CONTROVERTED — House resolves to go into Committee to consider the orders adopted by the late House of Assembly of Lower Canada, for regulating its proceedings in cases of contested elections, (69) 125. Considered, (100) 180-183, (173) 292-304. No Report.

—— BILL to prevent any failure of Justice in respect of complaints of undue Elections or Returns of Members of the Legislative Assembly of this Province at the last general Election, presented and read, (181) 315-316. Motion to read the Bill the second time in three months, *negatived*, (195) 333-337. Read second time, (196) 337. Bill amended on division, (196) 337. Committed on division, (198) 340. Reported (199) 340. Read third time — motion for re-committal, *negatived* — re-committed — reported, (199) 342. On the question for passing the Bill, Committee of Privilege moved to enquire into the merits of the Petitions, *negatived*; Bill passed on division, (200) 344. Message of the Council on the subject matter of the Bill, (212) 368; Referred to a Select Committee on division, (225) 387-390. Report, (260) 461. Communicated to the Council, (261) 462. Select Committee appointed to search the Journals of the Council, relative to the proceedings of the bill in that House, (403) 657. Report, (450) 723. Report of Select Committee committed, (470) 766. Motion for Report, 887. Resolution, *nem. con.*, (583) 945.

—— BEAUHARNOIS COUNTY — Petition of Jacob Dewitt, opposing Candidate, complaining of that Election, (29) 45. Also the Petition of Charles M. Lebrun and others, Electors; And of J.S. Lewis and others, Electors, complaining the same, (162) 276, (174) 306.

—— BONAVENTURE COUNTY — Petition of divers Inhabitants of said County, Electors complaining of that Election, (36) 53. Motion to discharge the consideration of the Petition (93) 165. Postponed, (93) 165, (101) 184. Motion considered; Petition discharged, (194) 332.

—— CHAMBLY COUNTY — Petition of Louis Michel Viger, Esq. opposing Candidate, complaining of that Election, (80) 152. Petition from divers Electors of said County, complaining the same, (82) 153.

—— FRONTENAC COUNTY — Petition of divers Inhabitants of said County, Electors complaining of that Election, (67) 124. Petition of James Mathewson, Opposing Candidate, complaining the same, (86) 158. Recognizance, (69) 125, (155) 269. Day and hour appointed for taking the Petitions into consideration, (93) 166, (207) 351. Petitions considered, (217) 379. Names drawn not sufficient, (218) 380. Again considered, (219) 381. Committee appointed, (220) 382. Lists of Witnesses, (220) 383. Motion to appoint a Commission to examine Witnesses, *negatived*, (223) 385. Report, absence of a Member, (232) 403. A Member excused from serving, (233) 403. Final Report, (244) 433.

—— HASTINGS COUNTY — Petition of T. Parker and others, Electors complaining of that Election, (3) 11. Recognizance, (39) 71. Day appointed for taking the Petition into consideration, (94) 167, (136) 233. Petition considered, (145) 253. Names drawn not sufficient, (146) 254. Again considered, (147) 257. Names drawn not sufficient, (148) 260. Again considered, (149) 261. Names drawn not sufficient, (150) 262. Members drawn not allowed to serve, being on another Election committee, (150) 263. Another as being Nominee for Petitioner, (151) 263. Petition again considered, (152) 265. — Vide *Questions negatived*. Names drawn not sufficient, (154) 266. Two Names set aside, being Nominees for Petitioners and sitting Member, (154) 267. Again considered, (156)

269. Committee appointed, (157) 270. Witnesses of Petitioners, and of Sitting Member, (157) 271, (160) 273. A Member of the Committee allowed to absent himself in consequence of ill health, (162) 275. Committee have leave to adjourn, (193) 331. Report, (278) 490.

— HURON COUNTY — Petition of William Dunlop, opposing Candidate, complaining of that Election, (15) 16. Recognizance, (39) 71. Day appointed for taking the Petition into consideration, (96) 169. Petition considered, (121) 211. Lists of Witnesses ; (121) 211, (123) 213. Committee appointed, (125) 215. Commission appointed to examine Witnesses ; Writs of Summons ordered, (126) 215-216. Report a Member absent, by illness, (149) 261. Report absence of Members ; Chairman to the Commission appointed ; Poll Book Ordered ; Committee adjourned, (161) 274. Another Commissioner appointed in the room of one declining to act, (193) 330. Last order rescinded, and another Commissioner appointed, (194) 332. Report, members absent, (366) 612, (382) 629. Final Report, (387) 639. Return amended, (387) 639.

— KENT COUNTY — Petition of Jos. Woods, complaining of the return made of that Election, (10) 18. Return for said county to be presented at the Bar of the House by the Clerk of Crown in Chancery, (18) 30-31. Presented ; Committed ; Considered ; Four resolutions reported and agreed to, (33) 49. Return amended, (34) 50. — *Vide Questions negated.*

— LENNOX AND ADDINGTON (Incorporated Counties) — Petition of David Roblin and others, Electors, complaining of that Election, (16) 27. Petition of Benjamin Ham, opposing Candidate, complaining the same, (17) 28. Recognizance, (26) 42. Day appointed for taking the Petition into consideration, (90) 162. Petitions considered, (105) 189. Lists of Witnesses, (105, 106) 190. Committee appointed, (110) 194. Report, that no Member should be received and heard before them, either as Counsel for the sitting Member, or for any party petitioning against his return, (113) 199. Final Report, (189) 324. Application for examination of witnesses, withdrawn, 760.

— MONTRÉAL COUNTY — Petition of divers Electors of Montréal, complaining of that Election, (19) 31. Of James Leslie, opposing Candidate, complaining the same, (20) 32.

— NIAGARA TOWN — Petition of Robert Melville and John McBride, Electors, complaining of that Election, (12) 20. — *Vide Alma, John.* Time enlarged for entering into Recognizance, (93) 166. Day appointed for taking the Petition into consideration, (94) 167. Recognizance, [173], (133) 227. Petition considered, (140) 248. Lists of Witnesses, (140) 248, (141) 249. Committee appointed, (144) 252-253. Commission appointed to examine Witnesses, (160) 273. Report, absence of Members, (160) 273. Committee adjourned, (161) 274. Petitioners and sitting Members to exchange lists of Voters, (162) 275-276. The name of John Shuter Smith, struck from the Commission, and that of Arthur Ackland, inserted instead, (173) 292. Certified Copy of the Poll Book of said Election to be furnished the Commission, (190) 325. New Commission ordered, (224) 386. Committee adjourned, (232) 403. Time for Commission to report, enlarged, (284) 503. Committee further adjourned, (285) 504. New Commission ordered, (306) 542. Report, absence of Members, (360) 603. Time for Commission taking evidence enlarged, (360) 604. Committee further adjourned, (363) 606. Report, that the Commission has not time sufficient to go through with the evidence of the sitting Member, (411) 667. New Commission appointed, (412) 668. Committee adjourned, (413) 669. Petitioners to hand in a new list of Witnesses, *negated*, (458) 735. Committee further adjourned, (483) 793, (524) 859. Committee adjourned, (582) 944. Absence of Members reported, (590) 954, (603) 969. Committee to proceed, notwithstanding the absence of Members, (603) 969.

— ROUVILLE COUNTY — Petition of divers Electors of said County, complaining of that Election, (26) 42. Of Timothée Franchère, opposing Candidate, complaining the same, (28) 43.

— ST. MAURICE COUNTY — Petition of divers Electors of said County, complaining of that Election, (90) 162. Recognizance, (92) 164. Moved, that the grounds of complaint set forth in the above Petition are sufficient, if true, to make void the said Election, (92) 164-165. Consideration of the motion postponed, (93) 165, (101) 184, (137) 237, (172) 291. Motion considered ; Agreed to, (183) 318. Day appointed for taking the Petition into consideration ; Poll book ordered, (183) 318. Motion to issue summons for the Returning Officer, withdrawn, 319. The same, *negated*, (190) 325. Lists of Witnesses to be handed in, (190) 326. Time for handing in lists of Witnesses enlarged, (229) 395. Time appointed for taking the Petition into consideration, enlarged, (235) 408,



(271) **479**. Returning Officer summoned to give evidence, (271) **479**. Poll book transmitted, (325) **567**. Petition considered, (325) **567**. Members present, sworn, (326) **568**. Examination of Returning Officer, (326) **568**. Counsel for Petitioners hand in a Paper (A.), (328) **570**. Charles G. Mailhot, examined, (330) **572**. Further consideration postponed, (332) **574**. Again considered, (338) **580**. Question proposed to be put to Counsel for Petitioners, *negatived*; Further consideration postponed, (339) **581**. Again considered, (341) **583**. Counsel for Petitioners heard; On motion for postponement, two amendments, *negatived*, (341) **584**. Returning Officer again examined, (342) **584**. For Mr. Speaker to leave the Chair one hour, *negatived*, (342) **585**, (343) **585**. For House to adjourn, *negatived*, (343) **586**. Petition again considered, (357) **599**. Counsel for Petitioners again heard; Names of sworn Members absent; Resolved, That the Petitioners having failed to unseat the sitting Member, the Petition be dismissed — *nem. con.* Moved that the Petitioners do pay all the costs incurred by the sitting Member in defending his seat, *negatived*, (357) **600**. — Vide *Turcotte, P.E., Esq.*

— SHEFFORD COUNTY — Petition of Alphonse Wells, Esq., complaining of that Election, (77) **142**. Discharged by desire of Petitioner, (229) **395**.

— TERREBONNE COUNTY — Petition of A. Gigonell and others, Electors, complaining of that Election, (23) **35**. Of Louis H. Lafontaine, opposing Candidate, complaining the same, (25) **37**.

— TORONTO CITY — Petition of Henry Sherwood, opposing Candidate, complaining of that Election, (85) **156**. Day appointed for taking the Petition into consideration, (86) **157**. Time extended, (161) **274-275**. Consideration of the Petition and orders relating thereto discharged, (172) **291**.

— VAUDREUIL COUNTY — Petition of divers Electors of, complaining of that Election, (32) **47**. Of André Jobin, opposing Candidate, complaining the same, (32) **48**.

— YORK COUNTY (Second Riding) — Petition of divers Electors of, complaining of that Election, (87) **159**. Petition of Connell James Baldwin, opposing Candidate, complaining the same, (88) **160**. Day appointed for taking the Petition into consideration, (94) **167**. Recognizance, (148) **261**. Consideration extended, (161) **275**, (228) **394**. Petitions considered, (348) **591**. Witnesses of Petitioners and sitting Member, (350) **592**. Committee appointed, (351) **594**. Time and place of the meeting of the Committee, (352) **594**. Last order discharged, (360) **603**. Commission appointed to examine Witnesses, (366) **613**. Committee adjourned, (367) **613**, (401) **654**. Time and Place for Commission to meet altered, (408) **663**. Members excused from serving on the Committee, (412) **668**, (463) **741**. Report absence of Members, (470) **766**. Committee adjourned, (474) **779**, (508) **835**. Motion for the Commission to sit at Streetsville, (537) **879**. To adjourn the proceedings of the Commission till next Session, *negatived*, (601) **967**.

— That the number of Members of this House who have not served on an election Committee for the trial of a controverted Election, during the present session is insufficient to fulfil the purposes of the Law, (212) **368**, (334) **576**.

#### WRITS ORDERED DURING THE SESSION.

For what place	In the room of	On what account
Middlesex,	Thomas Parke, Esq.,	Surveyor General, (15) <b>25-26</b> .
Town of Kingston,	Anthony Manahan, Esq.,	Collector of Customs, (38) <b>69</b> .
Second Riding County of York.	Robert Baldwin, Esq.,	{ Made his election for the County of Hastings, (419) <b>678</b> .

— Motion for the Speaker to issue his warrant for a new writ for the County of Hastings in the room of the sitting member who hath accepted office, *negatived*, (212) **368**.

— Charges on issuing Writs for the late Election. — Vide *Supply*, (Resolutions.)

ELIZABETHTOWN — Petition of divers inhabitants of, respecting statute labour in said township, (39) **71**.

EMIGRATION — Vide *Naturalization*.

— Views of Her Majesty's Government on the subject of, (179) **312**.



—— House resolves to go into committee to consider the Message of the Governor General; and the Despatch of Lord John Russell on the subject of, (367) **614**. Considered, (433) **700**. Resolution reported, and agreed to, (434) **700**. BILL to create a fund for defraying the expense of enabling indigent Emigrants to proceed to their place of destination, presented and read, (434) **700**. Committed, (463) **742**. Considered, (586) **948**. Reported, (594) **958**. Passed, (595) **958**. By the Council, (609) **977**. Royal Assent, (642) **1016**. — 4th & 5th Vic., Cap. 13.

ENREGISTRATION OF VOTES — Vide *Elections*, (Bill for.)

ERIE AND ONTARIO RAIL ROAD — Petition of the Directors, for a loan from the Government, (283) **502**, (299) **527**.

ESCOTT TOWNSHIP — Petition of Joseph Dowsley and others, that the said township may be from the township of Yonge, (242) **429**, (259) **460**.

ESTIMATES — Vide *Accounts Public*.

EVIDENCE — Vide *Witnesses*.

EXCHANGE — Vide *Currency*.

EXPIRING LAWS — Select Committee appointed to enquire what Statutes and Ordinances are about to expire, and to report from time to time, (315) **554**. Report, (542) **891**. Report Committed; Considered, (543) **891**. Resolution reported and agreed to, (543) **892**. — Vide *Acts Continuation*.

EXPORTS — Vide *Duty on Exports; Imports and Exports*.

## F

FARIBAULT, GEO. BARTHELEMI — Appointed Assistant Clerk, (59) **112**.

—— Resolution — Addition to his Salary, (631) **1001**.

FEUDAL TENURE — Vide *Stott, Daniel and others*.

—— Petitions for Commutation of Feudal Tenure : — Of Alexander Young and others, Censitaires of the Seignories of Noyan and Foucault, (128) **217**, (164) **279**. Of Lewis Odell and others, Censitaires of the Seignory of Lacolle, (162) **277**. Petition of John McDonald and others, Censitaires of the Seignory of Beauharnois, for the abolition of Feudal Tenure, (403) **656**, (417) **675**.

—— House resolves to go into Committee to consider the Laws of Lower Canada relative to Feudal Tenure, (95) **168**. Subject considered, (245) **434-441**. Resolutions reported and agreed to, (246) **441**. Resolutions Referred to select Committee and to report from time to time, (247) **441**. — Vide *Questions negatived*. Report Bill and Resolution for an Address to His Excellency, (Bill *Infra*), (462) **740**. Report Committed; to be printed, (462) **741**. Considered, (503) **830**. Resolution reported, (513) **841**. Agreed to, (514) **842**. — Vide *Addresses*, (53.)

—— BILL to provide for the Voluntary Commutation of the Seignorial Tenures of Lower Canada presented and read, (462) **741**. Committed; Consideration postponed, (502) **829**.

FINANCE — Views of Her Majesty's Government on the subject of the Finance of the Province, (178) **311**.

FINES AND FORFEITURES — Vide *Addresses*, (3.); *Justices of the Peace*.

FIRE COMPANIES — Petition of Brantford Fire Company for certain privileges, (223) **386**, (233) **404**. And of James Coleman and others for the exemption of Fire Companies in unincorporated Towns from certain duties, (317) **559**, (335) **577**. Petitions referred, (319) **561**, (335) **577**.

—— House resolves to go into Committee to consider of repealing the Act of Upper Canada, 7th Geo. 4., and making provision to prevent accidents by Fire, (315) **554**. Considered; Resolution reported and agreed to, (323) **565**. BILL presented and read,

(323) **565**. Committed, (401) **654**. Considered; Reported, (448) **719**. Passed, (459) **737**. By the Council, (502) **829**. Royal Assent, (641) **1015**. — 4th & 5th Vic., Cap. 43.

FISHERIES — Vide *Gaspé District; Mining and Fishing*.

FLOUR AND MEAL INSPECTION — Notice of Bill respecting, **209**. Bill to regulate the Inspection of Flour and Meal, presented and read, (385) **637**. Committed, (405) **659**. Considered, (485) **800**. Reported, (489) **811**. Passed, (510) **838**. By the Council with amendments, (585) **948**. Considered, (601) **967**. Agreed to, (602) **968**. Reserved for Her Majesty's Pleasure, (643) **1017**.

FREEDOM OF ELECTIONS — Vide *Elections*, (Bill the better to provide for the freedom of.)

FRENCH LANGUAGE — Vide *Translation of the Laws*.

## G

GAME LAWS — Notice of Bill respecting following matter, **151**. House resolves to go into Committee on amending the Act of Upper Canada, relative to the Game Laws, (116) **202**. Consideration postponed, (138) **238**.

GANANOQUE BRIDGE — Petition of J. McDonald and others for leave to construct a Bridge over the Gananoque river, (127) **217**, (164) **278**. Referred, (243) **429**.

GAOLS AND COURT HOUSES — Vide *Dalhousie District; London District; Simcoe District; Ottawa District; Wellington District*.

GASPÉ COUNTY — Petition of Robert W. Kelly and others, complaining of the want of roads and schools, and inconvenience of attending the Circuit Court in Summer in said County, (133) **227**, (165) **279**.

GASPÉ DISTRICT — Vide *Addresses*, (2.)

GASPÉ DISTRICT FISHERIES — BILL to regulate the Fisheries in the District of Gaspé, Presented and read, (10) **18**. Referred, (69) **126**. Report withdrawn, **224**. Report not received, (133) **227-228**. Committee again report, (166) **280**. Bill and Report committed, (166) **280**. Considered, (206) **349**, (215) **377**, (287) **507**. Bill reported, (315) **554**. Passed, (334) **576**. By the Council with amendments, (471) **767**. To be considered, (474) **779**. Considered, (580) **941**. Agreed to, (581) **942**. Royal Assent, (640) **1014**. — 4th & 5th Vic., Cap. 36.

GASPÉ DISTRICT JUDICATURE ACTS — Notice of Motion respecting following matter, **83**. Withdrawn Motion respecting the same, **240-246**. House resolves to go into Committee to consider of amending the Judicature Acts of the Inferior District of Gaspé, (169) **284**. Subject considered, (248) **443**, (286) **507**. Resolution reported and agreed to, (287) **507**. BILL to make more ample provision for the due administration of Justice in the Territorial District of Gaspé, presented and read, (287) **507**. Committed, (305) **541**. Committal discharged and the bill referred to a Select Committee, (355) **598**. Reported; committed, (403) **657**. Considered, (521) **853**. Reported, (524) **859**. Read third time; Ryder (Clause A.), agreed to; Bill passed, (530) **871**. — Vide *Addresses*, (52.)

GASPÉ DISTRICT NOTARIES — BILL to provide permanently for the want of Notaries in the Inferior District of Gaspé, presented and read, (12) **20**. Referred, (38) **69**. — Vide *Questions negatived*. One Member added, (95) **168**. Two Members added, (119) **206**. Reported, (172) **290**. Committed, (172) **290**.

GASPÉ TERRITORIAL DIVISION — House resolves to go into Committee to consider of amending Ordinance of Special Council 4 Vic., Cap. 45, relating to said division, (386) **637**. Considered; Resolution reported and agreed to, (445) **716**.

GENERAL INDEX — Vide *Index to Journals*.

GEOLOGICAL SURVEY — Petition from the Natural Historical Society of Montreal for a Systematic Geological Survey of the Province, (127) **217**, (164) **278**. Referred, (130) **220**. Petition from the Literary and Historical Society of Quebec for the same, (298) **527**, (304) **540**. — Vide *Supply*, (Resolutions.)

GLASS WORKS — Vide *Haldimand Glass Works*.

GOODS, WARES AND MERCHANDIZE — Vide *Customs duties*.

GORE BANK — Statement of its affairs presented, (133) 227.

——— Petition of, for an increase of Capital Stock, (163) 277, (175) 307. Referred, (176) 308. — Vide *Upper Canada Bank*.

——— BILL to increase the Capital Stock of said Bank, presented and read, (436) 702. Committed, (475) 780. Considered; Reported, (577) 934. Ryders (Clause A.), *carried*; (Clause B.), *negatived*; Bill passed, (582) 944.

GORE AND BROCK DISTRICT'S ROAD — Petition of Elam Stinson and others, to be incorporated, to construct a road in said Districts, (317) 559, (335) 577.

GORE DISTRICT PUBLIC BUILDINGS — Petition of A. Dingwall Fordyce and others of the District of Wellington respecting the debt of the Public Buildings of the Gore District, (128) 217, (164) 278. Referred; Also another Petition of A.D. Fordyce (Vide *Wellington District*), referred, (312) 550. Committee discharged from the consideration of the latter Petition, (319) 561. Report Bill to confirm arrangements between the Magistrates of the Gore and Wellington District; BILL read, (319) 561. Committed, (356) 598. Considered; Reported, (445) 717. Passed, (459) 737. By the Council, (501) 828. Royal Assent, (641) 1015. — 4th & 5th Vic., Cap. 75.

GOSFORD ROAD — Vide *Public Improvements*, Bill; *Supply*, (Resolutions.)

GOURLAY, ROBERT F. — Petition of, complaining of Losses sustained by him at the hands of the Executive Government of Upper Canada, (242) 429, (259) 460. Referred, (403) 657. Report; Committed, (567) 920-921. Considered; Resolution reported and agreed to, (633) 1003-1004. — Vide *Addresses*, (64.)

GOVERNOR GENERAL — Vide *Messages from*, *Addresses to*.

——— His speech at the opening of the Session, reported, (6) 14. Ordered to be printed; Committed, (9) 17. Considered, (38) 56-69, (49) 81-83, (53) 87-101, (56) 106-107. Resolutions reported and agreed to, (56-59) 107-110. — Vide *Addresses*, (1.)

——— To be furnished with Copy of the Journals daily, (42) 74.

——— Acquaints the House by an Executive Councillor that he will concur in such measures for appropriating moneys for their contingent expenses, as the House may, during the present Session deem necessary, (72) 133.

——— Announces his intention to proceed to the Legislative Chamber to give his assent to Bills, (100) 180, (345) 588, (433) 699.

——— Assents to certain Bills, (105) 189, (359) 602, (440) 707.

——— His Instructions on assuming the Government, (390) 642. — Vide *Addresses*, (28.)

——— Address to, assuring him that this House feel a lively sympathy in the serious accident sustained by him, and that they participate with the community at large, in an anxious solicitude for his speedy recovery, (523) 858. His thanks, (586) 948.

——— Announces his intention to Prorogue the Legislature, (537) 880. — Vide *Addresses*, (56.)

——— Requests the House to meet at the Government House, pursuant to Prorogation, (638) 1011.

——— One of Her Majesty's Executive Council, acquaints the House that in consequence of the severe indisposition of the Governor General, His Excellency could not meet the House this day, pursuant to the Prorogation, (640) 1012. — Vide *Deputy Governor*.

GRAND RIVER — Vide *Indian Lands*.

GRAND RIVER NAVIGATION — House resolves to go into Committee to consider of amending Act of Upper Canada relating to the appointment of Directors; Considered, (360) 603. Resolution reported and agreed to, (360) 604. BILL to amend the Law regulating the Election of Directors of the Grand River Navigation Company presented and read, (360) 604. Committed, (414) 670. Considered; Reported, (433) 699. Passed, (443) 712. By the Council, (490) 812. Royal Assent, (641) 1014. — 4th & 5th Vic., Cap. 74.

GREAT WESTERN RAIL ROAD — Question respecting, 286-287.



GRENVILLE CANAL — Petition of C.C. Grece and others, to be indemnified for damages occasioned by Officers of Her Majesty's Ordinance, to their property lying on said Canal, (199) **342**, (211) **367**.

GRIMSBY HARBOUR — Petition of President and Directors for aid, (12) **20**.

## H

HALDIMAND AND SIMCOE COUNTIES — BILL to extend to them certain privileges, presented and read, (404) **659**. Committed, (437) **704**. Considered, (628) **999**. Reported, (629) **999**. Passed, (630) **1001**.

HALDIMAND COUNTY — Petitions of Warner Nelles and others ; Of John DeCew [or DeCow] and others ; And of Daniel Hoover and others, on erecting said County into a separate District, (268) **475**, (283) **502**. Referred, (293) **515**. Of John A. Wilkes and others, inhabitants of the Township of Brantford, praying for a reunion of part of Wentworth County to Haldimand County, (298) **527**, (303) **540**. BILL reported, (455) **728**. — Vide *Manchester District*.

HALDIMAND GLASS WORKS — Petition of John DeCow and others, for an Act of Incorporation, (111) **19**. Referred, (102) **186**. BILL reported and read, (181) **314**. Committed, (307) **543**. Considered, (322) **564**. Passed, (334) **576**. By Legislative Council, (428) **687**. Reserved for Her Majesty's Pleasure, (643) **1017**.

HAMILTON AND PORT DOVER ROAD — Vide *Messages*, (22.) ; *Public Improvements*, Bill ; *Supply*, (Resolutions.)

HAMILTON HARBOUR AND DRY DOCK — Petition of Andrew Millar for an Act of Incorporation, (223) **386**, (233) **404**.

HAMILTON LIMITS — BILL to amend 3rd Wm. 4, defining said limits, presented and read, (536) **878**.

HARBOURS — Vide *Addresses*, (20.) ; *Annis' Creek* ; *Grimsby Harbour* ; *Hamilton Harbour and Dry Dock* ; *Sydenham Harbour* ; *Whitby Marsh*.

——— Return to Address, (20.) on the loans to the Cobourg, Oakville, and Port Hope Harbours, (262) **463**. Referred, (271) **478**.

HARBOURS AND LIGHT HOUSES — Vide *Public Improvements*, Bill ; *Supply*, (Resolutions.)

HEIR AND DEVISEE ACT — Notice of Motion respecting following matter, **39**. BILL to amend the Heir and Devisee Acts presented and read, (33) **48**. Ordered for second Reading, (33) **48**.

——— House resolves to go into Committee to amend and consolidate the Acts of Upper Canada relating to, (256) **455**. Considered, (266) **472**. Resolution reported and agreed to, (267) **472**. BILL presented and read, (267) **473**. Committed, (305) **541**. Considered, (323) **565**. Reported, (338) **580**. Passed, (382) **629**.

HEIR AND DEVISEE COMMISSION — BILL to alter for a limited period the place of sitting of the Heir and Devisee Commission of the late Province of Upper Canada ; Brought from the Council, and read, (67) **124**. Committed, (73) **135**. Considered, (80) **150**. Passed, (80) **150**. Royal Assent, (105) **189**. — 4th & 5th Vic., Cap. 1.

HIGHWAYS — Petition of Archibald McDonell and others for a tax on all wild lands for Improvement of the Highways, (224) **386**, (234) **404**. Referred, (283) **502**.

HOLLAND RIVER — Petition of Horace Keating and others for the Improvement of the Navigation of, (174) **306**, (194) **331**.

HOME DISTRICT JUSTICES — Petition from, to enable them to pay a debt due by the District, (298) **527**, (304) **540**. Referred, (312) **551**. Petition of Corporation of Toronto on application of licenses also referred, (353) **595**. Also Petition of Edward O'Donnell, (467) **763**. Report ; Committed ; Considered, (470) **766**. Two Resolutions reported and agreed to, (471) **766**. *Infra* (Bill). Petition of Directors of Toronto and Huron Rail Road Company, referred ; A member added, (510) **838**. Report on Toronto and Huron

- Rail Road Petition, (616) **985**. Report agreed to, (617) **986**. — Vide *Addresses*, (60.)
- BILL to consolidate two certain debts due by the Home District, presented and read, (471) **767**. Passed, (510) **837**. By the Council, (612) **981**. Royal Assent, (642) **1015**. — 4th & 5th Vic., Cap. 58.
- HOME DISTRICT RIOTS — Notice of Motion respecting, **39**. — Vide *Questions negatived*.
- Notice of [following] Petition, **400**. Petition of Peter Leppard for inquiry into the Riots which took place on 15th October 1839, (223) **386**, (233) **405-408**. Referred, and Committee to report from time to time, (234) **408**. Petition of W.W. Baldwin also referred, (260) **461**. Also Report of Commissioners of City of Toronto Riots; and Petition of Joseph Milburne, (301) **530**, (311) **550**. Also Petition of Geo. Monro, (365) **611**. Report; to be printed, (615) **984**. Further consideration of Petition of Geo. Monro, Esq., postponed to the next Session, (615) **984**. Second Report, (635) **1008**.
- HOSPITALS — Aid to — Vide *Supply*, (Resolutions.)
- HOUSE OF ASSEMBLY, UPPER CANADA — Claims against — Vide *Contingencies of the House*. (1st, 2nd and 3rd Reports.)
- HOUSE OF COMMONS — Vide *Petitions*.
- HOUSE OF INDUSTRY, TORONTO — Petition from the Right Reverend the Bishop of Toronto and others for aid to, (162) **276**, (174) **306**. — Vide *Supply*, (Resolutions.)
- HOUSE OF LORDS — Vide *Petitions*.
- HOUSE PAGE — £10 Additional allowance, (631) **1001**.
- HUDSONS BAY COMPANY LANDS — Petition of Militia men and others, Inhabitants of County of Saguenay to be allowed to occupy said Lands, (75) **140**.
- HURON COUNTY — Vide *Elections Controverted*.

## I

- IMPEACHMENTS — Vide *Trial of Impeachments*.
- IMPORTS — Vide *Duties on Imports; Duties on Timber; Imports and Exports*.
- IMPORTS AND EXPORTS — Table of, to be laid before the House by the Clerk at each Session, (48) **80**.
- Petition of John Hetherington and others, respecting Imports and Exports, (290) **512**, (303) **539**.
- IMPRISONMENT FOR DEBT — Petition of Bernard Fitzpatrick and others of the Midland District Gaol, for an amendment in the Law, (275) **484**, (292) **513**.
- Notice of Motion respecting following matter, **50**. BILL to abolish Imprisonment for debt in Canada West, except in certain cases, presented and read, (272) **480**. Committed, (401) **654**. Consideration postponed, (438) **704**.
- INDEPENDENCE OF JUDGES — BILL for better securing the Independence and uprightness of Judges, presented and read, (11) **19**. Referred, (69) **126**. Reported, (412) **668**. Committed, (413) **669**. Considered, (508) **834**. Reported, (508) **835**. Passed, (510) **838**.
- INHERITANCE OF INTESTATES — Vide *Heir and Devisee Act*.
- INDEX TO JOURNALS — Vide *Journals*.
- INDIAN LANDS — Motion respecting, on Grand River, **936**.
- INDIAN TRACT — Petition of J.A. Wilkes and others, that the Indian Tracts lying South and South East of Dundas Street and the Townships of Rainham and Walpole, may be erected into a separate District, (302) **539**, (318) **559**.
- INJURIES TO PROPERTY — Vide *Malicious Injuries to Property; Malicious Injuries to Property Compensation*.
- INSANE AND DESTITUTE PERSONS — Vide *Acts Continuation; Supply*, (Resolutions.)

INSPECTION LAWS — Notice of Bill respecting, 209. Petitions of Board of Trade Montréal on the subject of the said Laws, (51) 85. Of Geo. P. Ridout President of the Board of Trade Toronto, on the same, (171) 289, (185) 321. Petitions Referred, (185) 321. *Infra*.  
 — Petition of George Holt and others against alterations in the present Laws, (290) 512, (303) 539.  
 — House resolves to go into Committee to consider of amending the said Laws, (98) 175. Petitions of Board of Trade Montréal, and of Geo. P. Ridout, referred, (185) 321. Subject considered; Three Resolutions reported and agreed to, (286) 505-506. Referred to select Committee, (286) 507. Two BILLS reported, (385) 637. — Vide *Beef and Pork Inspection*; *Flour and Meal Inspection*. Committee report another BILL, (411) 667.  
 — Vide *Pot and Pearl Ashes Inspection*.

INSPECTION OF TIMBER — Vide *Lumber Trade*.

INSTRUCTIONS — Vide *Governor General*; *Committees of whole*; *Committees, Select*.

INSURANCE COMPANIES — Vide *Assurance Companies*.

INTEMPERANCE — Petition of H. Glass and others for the suppression of, (303) 539, (318) 560. Referred, (410) 666.

INTERNAL WATERS, NEW CASTLE DISTRICT — Vide *Public Improvements, Bill*; *Supply, (Resolutions)*.

ISLAND OF BICQUET — Petition of Owners and Masters of Ships, trading to Québec, and Pilots, for the erection of a Light House thereon, (77) 141. Referred to Committee of whole on *Trinity House Bill*, (567) 920.

## J

JENNER, JOHN — Petition of Geo. P. Kirby and others, to allow him to build a mill on the River Thames, (171) 289, (184) 320.

JESSOP, HENRY — Petition of, to be admitted to practise as an Attorney in the Court of Queen's Bench, (171) 289, (185) 320. Referred, (194) 331.

JESUITS, ESTATES — Vide *Addresses, (37, 46.)*; *Education and Schools*. Motion for Address to Governor, 688.

JOBIN, ANDRÉ — Petition of, that his fees as a Commissioner for taking evidence on the contested election of E. Berthelot, Esq., in 1833, may be paid, (522) 857, (542) 891. Referred to Select Committee on *Contingencies of the House*, (542) 891. Resolution reported, (545) 893. Agreed to, (395) 959.

JOURNALS — Vide *Governor General*; *Legislative Council*.

— The Clerk of the House to make an Index to the Journals at the end of each Session, (42) 74.

— Model for printing, the same as those of the last Parliament of Upper Canada, (74) 138.

— House resolves to go into Committee to consider of the printing and distribution thereof during the present Parliament; Considered, (235) 409. Resolution reported and agreed to, (241) 419.

— Printing and Binding of, for the present Session, (272) 480.

— House resolves to go into Committee to consider of causing a general Index to be made to the Journals of the Houses of Assembly of the late Provinces of Upper and Lower Canada, (444) 713. Considered, (521) 853. Two resolutions reported and agreed to, (524) 859. — Vide *Clerk of the House*; *Speaker*.

JOURNALS OF LATE ASSEMBLY OF UPPER CANADA — Notice of Motion to read, in reference to petitions for claims for services in trials, 269.

JUDGE OF THE COURT OF VICE ADMIRALTY — BILL to render the Judge of Her Majesty's said Court, ineligible to the Legislative Assembly, presented and read, (420) 679. Further consideration deferred, (455) 728.



JUDGES — Vide *Independence of Judges*.

JUSTICES OF THE PEACE — Vide *Addresses*, (3.); *Home District Justices*.

—— BILL to require them to make returns of convictions and fines, presented and read, (3) 11. Notice of Motion on same subject, 39. Bill referred, (137) 237. Reported; Committed, (234) 408. Considered, (248) 443, (257) 456. Reported, (264) 465. Passed, (268) 475. By the Council with amendments, (346) 588. Amendments agreed to, (354) 596. Royal Assent, (440) 707. — 4th & 5th Vic., Cap. 12.

## K

KENT COUNTY — Vide *Elections Controverted*.

—— Petitions for the formation of said County into a District : — Of Horace Keating and others, (184) 320, (202) 345. Of Froome Talfourde and others, (410) 666, (430) 690. Petitions referred, (410) 666, (430) 691. Report BILL to erect the County of Kent into a separate district, (460) 739. Read first time, (461) 739. Committed, (502) 829. Consideration postponed, (577) 935.

—— TURNPIKE — Petition of William Taylor and others for Surveying and constructing said Turnpike, (317) 559, (334) 577.

KING'S AND UPPER CANADA COLLEGES — Statements of said Colleges presented, (187) 322. — Vide *Supply*, (Resolutions.)

KINGSTON — Vide *Elections*, (Writs.)

KINGSTON CORPORATION ACT — House resolves to go into Committee to make certain alterations in said Act, (463) 741.

KINGSTON MECHANICS INSTITUTE — Petition of John R. Forsyth and others, for aid, (491) 815, (523) 857.

## L

LACHINE CANAL — Report of Commissioners presented, (294) 516.

LACHINE TURNPIKE — Vide *Toll Exemption*.

LACROIX, PIERRE — Petition of, for recompense for past services as Messenger of the Legislative Council of Lower Canada, (449) 722, (466) 762. Referred to Committee of whole on *Salaries to Officers of the Legislature*, (467) 762. Resolution for pension, (607) 973.

LAKE ST. PETER — Petition from Board of Trade Montréal to improve the channel of the said Lake, (162) 276, (174) 306. Referred, (228) 393. Report, (430) 691. Referred to Committee of whole on *public Improvements*, and to be printed, (431) 691. — Vide *Public Improvements*, Bill; *Supply*, (Resolutions.)

LANDS PUBLIC — Vide *Religious Societies Land*.

—— Notice of Motion for a Select Committee on reserved lands, in Wellington District, being used by squatters, 39.

—— Papers respecting the Public Lands presented, (187) 323.

—— Accounts current of the Crown Land Department of Upper Canada, to 7th June 1841, Presented, (212) 368.

—— House resolves to go into Committee to consider of repealing the Law of Upper Canada, for their disposal, and to make other provisions for the Province, (243) 430. Considered, (257) 456-457. Resolution reported and agreed to, (258) 457. BILL for the disposal of the Public Lands presented and read, (258) 457. Committed, (282) 494. Considered; Reported, (409) 664. Ryder proposed, *negatived*, (416) 674. Bill passed, (417) 675. By the Council with amendments, (471) 767. Amendments considered and agreed to, (475) 780. Address to His Excellency to transmit the Bill, (624) 994. — Vide *Addresses*, Joint. Bill reserved for Her Majesty's Pleasure, (643) 1017.

LANG, ANNA, AND OTHERS — Petition of, as Heirs of Jacob Herchy, of the State of Pennsylvania, for a law to authorise the Revd. Benjamin Eby, of the Township of Waterloo,

in the Wellington District, to make necessary deeds of conveyance relating to the Estate of the said Jacob Herchy, (233) **403**, (242) **429**.

**LARCENY** — BILL for consolidating and amending the Laws relating to Larceny presented and read, (22) **34**. Referred, (131) **223**. Reported and committed, (319) **561**. Considered, — no quorum, (442) **710-711**. Again considered, (444) **713**. Reported amended, (454) **727**. Passed, (474) **779**. By the Council with amendments, (529) **868**. Considered, (546) **895**. Agreed to, (548) **896**. Royal Assent, (642) **1015**. — 4th & 5th Vic., Cap. 25.

**LAROCHE, F., AND OTHERS** — Petition of, (184) **320**. [No further reference to this petition.]

**L'ASSOMPTION COLLEGE** — Petition of Trustees, for aid ; and an Act of Incorporation, (113) **199**, (129) **219**. Referred, (353) **595**. BILL reported and read, (419) **677**. Committed, (464) **742**. Considered ; Reported, (613) **981**. Passed, (618) **987**. By the Council, (631) **1002**. Royal Assent, (643) **1016**. — 4th & 5th Vic., Cap. 68.

**LAUZON SEIGNORY** — Vide *Addresses*, (45.)

**LAW** — Vide *Profession of the Law ; Law and Surveying*.

**LAW AND SURVEYING** — BILL to enable persons authorised to practise the Law or Surveying in Upper or Lower Canada, to practise in the Province of Canada, presented and read, (355) **597**. Committed with an instruction to strike out from the Bill that which refers to the practice of the law, (405) **659**.

**LAW CLERK** — His duties respecting Public Bills, (44) **76**.

**LAW OF POSSESSION** — House resolves to go into Committee on the subject of, as far as relates to erroneous Surveys, (235) **409**. Considered, — No Report, (308) **545**.

**LAW REPORTS** — BILL to provide for the publication of Law reports in Lower Canada, presented and read, (355) **598**. Referred, (401) **654**.

**LAWS** — Vide *Translation of the Laws*.

**LEGAL REMEDY** — BILL to facilitate, to persons having claims against the Provincial Government, presented and read, (366) **613**. Committed, (405) **659**. Considered, (485) **800**. Reported, (489) **810**. Passed, (491) **815**.

**LEGGO, CHRISTOPHER** — Vide *Addresses*, (7, 42.)

——— Extract of Despatch in answer to Address of the late Upper Canada Assembly on his claim, (243) **430**. Referred, (253) **452**. Report, (294) **515**. Committed ; Considered ; Resolution reported, (415) **672**. Message, (26.) on his claim, referred to Committee of whole on *Steam Dredge*, (576) **932**. Order of reference discharged, (579) **940**.

——— BILL to authorize the payment of a certain sum of money to C. Leggo, presented and read, (579) **940**. Read a second time ; Passed on division, (596) **960**. By the Council, (610) **977**. Royal Assent, (642) **1016**. — 4th & 5th Vic., Cap. 71.

**LEGISLATIVE ASSEMBLY** — Vide *Members ; Speaker*.

——— Attend the summons of the Governor General in the Legislative Council Chamber, (2) **10**, (105) **189**, (358) **602**, (440) **707**.

——— Attend upon His Excellency at Government House, (71) **129**.

——— Attend the Summons of the Deputy Governor in the Legislative Council Chamber, (640) **1014**.

——— Adopt the Rules and regulations of the late House of Assembly of Lower Canada, pending the Report of the Committee, (14) **23**.

——— Rules and Regulations of, (40) **72**.

——— Adjourn upon a division, (2) **8**, (78) **143**, (230) **395**, (415) **673**.

——— Adjourn for want of a Quorum, (139) **239**, (184) **319**, (232) **400**, (239) **416**, (242) **427**, (274) **483**, (302) **537**, (358) **600**, (364) **609**, (386) **638**, (402) **655**, (409) **664**, (435) **701**, (442) **711**, (448) **720**, (458) **735**, (522) **855**, (529) **869**, (613) **982**.

——— Adjourn to future days, (78) **143**, (118) **205**, (194) **332**, (230) **395**, (263) **464**.

——— Adjourn to particular hours on future days, (15) **23**, (34) **50**, (38) **69**, (53) **101**, (102) **184**, (297) **525**, (436) **702**, (474) **779**, (565) **916**, (640) **1013**.

- Adjourn to particular hours on the same day, (49) **81**, (104) **189**, (434) **700**, (521) **852**, (639) **1011**.
- Adjourn according to Statute 4th Geo. 4., Cap. 4., (146) **254**, (148) **260**, (152) **264**, (155) **268**, (218) **380**.
- Adjourn, motions to, *negatived*, (73) **134**, (198) **340**, (248) **443**, (295) **523**, (296) **524**.
- Daily proceedings of, (96) **169**.
- Suspension of the first Rule as to time of meeting, (162) **276**, (411) **667**. — *Vide Questions negatived*.
- Calls of the House, (140) **248**, (152) **265**, (155) **269**, (216) **379**, (218) **381**, (382) **629**.
- Resolve to consider the Orders adopted in Lower Canada, for its guidance respecting certain contested elections, (69) **125**.
- Proceed to consider Petitions relating to contested elections, (105) **189**, (121) **211**, (140) **248**, (145) **253**, (147) **257**, (149) **261**, (152) **265**, (156) **269**, (217) **379**, (219) **381**, (325) **567**, (338) **580**, (341) **583**, (348) **591**.
- Two Sessions each day (Saturdays excepted) for remainder of Session, (474) **779**.
- Notice of Motion respecting Independence of, **319**.
- LEGISLATIVE CONTINGENCIES OF UPPER CANADA — *Vide Contingencies of the House ; Contingencies covering*.
- Motion respecting, withdrawn, **69**.
- LEGISLATIVE COUNCIL — *Vide Bills from ; Conferences ; Library ; Messages from ; Messages to*.
- May search the Journals of the Legislative Assembly, (42) **74**.
- Select Committee appointed to search the Journals of, (403) **657**.
- LEGISLATIVE COUNCILLORS — A place set apart for them to hear the debates, (42) **74**.
- LENNOX AND ADDINGTON — *Vide Elections Controverted*.
- LEINSTER COUNTY — Petition from Freeholders of, complaining of the restriction made in the representation of the said County, (39) **71**.
- LELIEVRE, SIMEON — Petition of, that his salary as Inspector to the Court of King's Bench may be increased, (522) **857**, (542) **890**. Referred, (530) **871**. Report, (543) **892**.
- LIBRARY — Rules respecting, (47) **79**.
- Resolutions of Legislative Council respecting, (251) **447**. Committed, (553) **901**. Considered ; Resolution reported and agreed to ; referred to a joint Committee ; Resolution communicated to the Council ; Instructions to Committee, on division, (597) **961**. Committee appointed by the Council, (610) **977**. Report by Joint Committee, (634) **1006**. Concurred in, (635) **1006**.
- Extract from the Report of a Select Committee of the Council on the subject of the Library, (639) **1012**.
- Removing Library from Québec to Kingston. — *Vide Supply*, (Resolutions.)
- LICENSED SURVEYORS — Petition of W.H. Gibbon and others, to be authorized to administer an Oath in certain cases, (102) **186**. Petition of W.H. Kilborn and others, praying the same, (129) **219**.
- BILL to authorise Licensed Surveyors to administer an Oath in certain cases and for their protection, presented and read, (229) **394**. Second time, (305) **541**. Passed, (309) **547**. By the Council, (361) **604**. Royal Assent, (440) **707**. — 4th & 5th Vic., Cap. 9.
- LICENSES, LIQUOR — *Vide Taverns and Tavern Keepers*.
- LIGHT HOUSES — Petition praying for an increase of Salary for a Light House Keeper, **40**.
- Return presented on the subject of Light Houses in Upper Canada, (467) **763**.
- Report and other documents connected with Light Houses, (74) **138**, (77) **141**.
- Message from His Excellency to provide for certain Light Houses on the River St. Lawrence, (598) **963**. Committed ; Considered, (599) **963**. Resolution reported, and agreed to ; BILL to construct Light Houses within the Port of Montréal, presented and



read, (605) **971**. Committed; Considered; Reported, (613) **981**. Passed, (614) **984**. By the Council, (632) **1002**. Royal Assent, (643) **1016**. — 4th & 5th Vic., Cap. 59.

—— *Vide Addresses, (26.); Board of Works; Island of Bicquet; Public Improvements, Bill; St. Paul's and Scattarie Islands; Supply, (Resolutions.); Trinity House.*

LOAN IN ENGLAND — *Vide Questions negatived.*

—— BILL to facilitate the loan in England, presented and read, (518) **848**. Committed, (525) **860**. Considered, (563) **913**. Reported, (568) **926**. Motion to re-commit the Bill *negatived* on division; Passed on division, (569) **426**. By the Council, (603) **969**. Royal Assent, (644) **1017**. — 4th & 5th Vic., Cap. 33.

LONDON AND AMHERSTBURGH ROAD — *Vide Public Improvements, Bill; Supply, (Resolutions.)*

LONDON AND PORT SARNIA ROAD — *Vide Public Improvements, Bill; Supply, (Resolutions.)*

LONDON DISTRICT — Petition of Joseph B. Clench, aid to build a Gaol and Court House therein, (211) **367**, (227) **393**.

LOSSES — *Vide Claims for Losses.*

LUMBER TRADE — *Vide Addresses, (5.)*

—— Correspondence between Her Majesty's Ministers and the Governor General, in relation to alterations in the Timber duties, Presented, (177) **309-310**. To be printed, (181) **313**.

—— Returns of Ottawa Timber duties, to be printed, (190) **326**.

—— Petitions respecting duties on Timber: — Of William Walker and others, of Quebec; to be printed, (20) **33**. Of George P. Ridout, president of Board of Trade Toronto, (171) **290**, (185) **321**. Referred, (185) **32**. *Infra*.

—— House resolves to go into Committee to consider the Petition of William Walker and others, (136) **233**. Petition of Geo. P. Ridout also referred, (185) **321**. Question for consideration forthwith, *negatived*, (230) **396**. Petitions considered; Four Resolutions reported and agreed to, (237) **411-415**. Petitions to Her Majesty and both Houses of the Imperial Parliament on the resolutions ordered, (238) **415**. Committee to draft said Petitions appointed, (238) **415**. Petitions reported and agreed to, (253) **452**. — *Vide Petitions; Addresses, Joint.*

—— Petition of divers Lumber Merchants and others, respecting the measuring and culling of Lumber, (50) **84**. Referred, (176) **309**.

—— BILL to regulate the inspection and measurement of Timber, Masts, &c., in the Ports of Québec and Montréal, presented and read, (93) **166**. Ordered to be printed, (93) **166**. Referred, (170) **284**. Petition of divers Lumber Merchants and others, referred to the same Committee, (176) **309**. Also Petition of Duncan Patton and others, (240) **418**. Bill reported, (283) **502**. Committed, (284) **503**. Petition of William Walker, referred to Committee of whole on the Bill, (353) **596**. Motion to discharge the order for committal, and to refer the Bill to a Select Committee, *negatived*, (404) **658**. Bill considered, (522) **853-855**, (526) **861-862**. Reported; Amended; Other amendments proposed and *negatived*, (538) **880**. Passed, (566) **919**.

—— Petitions suggesting alterations in the Lumber inspection Bill: — Of Duncan Patton and others, (233) **403**, (242) **429**. — Referred to Select Committee on the Bill; — And of William Walker, Chairman of the Board of Trade Québec, (334) **576**, (352) **595**. Referred to Committee of whole on the Bill, *Supra*.

LUNATIC ASYLUMS — *Vide Toronto Lunatic Asylum; Addresses, (55.)*

—— Aid to — *Vide Supply, (Resolutions.)*

## M

MACADAMIZED ROADS, UPPER CANADA — *Vide Turnpike Trusts.*

MACNAB TOWNSHIP — *Vide Addresses, (39.)*

—— Report of Commissioners appointed to report on said township, presented, (511) **838**. To be printed, (512) **840**. Order for printing rescinded, and documents referred to Select Committee, (523) **858**.

- Petition of Allan Stuart [or Stewart] and others, setting forth charges against the Chief MacNab, and seeking relief, (491) **815**, (523) **857**.
- MCCARTY, M. — Petition of, for remuneration as a Messenger to the late Upper Canada Legislature, (459) **737**, (472) **777**. Referred to Select Committee on the *Contingencies of the House*, (472) **777**. Report, (545) **894**. Agreed to, (595) **959**.
- MCCREA, MARIA — Petition of, for remuneration for loss sustained in not being appointed House keeper, (541) **890**, (578) **939**. Referred to Select Committee on *Contingencies of the House*, (579) **940**. Resolution reported and agreed to, (631) **1001**.
- MCDONNELL, ALLAN — Petition of, stating that his son, the only support of himself and family, died of hardship during the late Rebellion in Lower Canada, in the service of Her Majesty, and seeking relief, (416) **674**, (435) **702**. Referred, (467) **763**. Report, (600) **966**.
- McKENZIE, S. AND OTHERS — Petition of, respecting loss sustained by a certain survey, (56) **105**. Referred, (130) **220**. A member added to Committee, (400) **653**. Report, (600) **966**.
- MADAWASKA BRIDGE — Petition of J. and A. MacNab, for remuneration for erecting a Bridge over the Madawaska river, (410) **666**, (430) **690**. Referred, (430) **691**.
- MAGDALEN ISLANDS — BILL to provide temporarily for the Administration of Justice therein, presented and read, (302) **530**. Committed, (307) **543**. Considered, (408) **662**. Reported, (414) **670**. Passed, (416) **674**. By the Council with amendments, (484) **794**. To be considered, (487) **805**. Considered, (505) **832**. Committed; Again Considered, (507) **834**. Amendments reported amended, (515) **842**. Agreed to, (522) **857**. Amendments agreed to by the Council, (544) **893**. Royal Assent, (641) **1014**. — 4th & 5th Vic., Cap. 22.
- MAIL CONTRACTORS — Vide *Toll exemption*.
- MALICIOUS INJURY TO PROPERTY — BILL for consolidating and amending the Laws relating thereto, presented and read, (22) **35**. Referred, (132) **224**. Reported; Committed, (319) **561**. Considered, — No quorum, (442) **710-711**. Again considered, (444) **713**. Reported, (454) **727**. Passed, (474) **779**. By the Council with amendments, (540) **884**. Considered, (548) **897**. Agreed to, (549) **897**. Royal Assent, (642) **1015**. — 4th & 5th Vic., Cap. 26.
- MALICIOUS INJURY TO PROPERTY COMPENSATION — BILL to prevent wicked and malicious Persons from injuring or destroying real and personal Property, presented and read, (285) **504**. Referred, (320) **562**.
- MANAHAN, A. — Question respecting his sitting as M.P.P., **40**. Letter from, vacating his seat as a Member of the House, (39) **69**.
- Proceedings relative to his Petition to the late Upper Canada Assembly read; Subject referred, (494) **818**. Report; Committed, (511) **838**. Consideration forthwith, *negatived*, (553) **901**. Considered; Resolution reported and agreed to, (632) **1003**. — Vide *Addresses*, (63.)
- MANCHESTER DISTRICT — BILL to erect the County of Haldimand into a separate District by the name of the District of Manchester, presented and read, (313) **552**. Committed, (455) **728**. Consideration postponed, (503) **830**. Petition of W. Tanner and others referred to Committee of whole on the Bill, (579) **940**.
- Petition of W. Tanner and others, against, (565) **919**, (579) **940**. Referred, (579) **940**. *Supra*.
- MAPS [of the Province] — Vide *Supply*.
- MARRIAGE — Vide *Sharrard, J.W., and T. Henry*.
- BILL to enable Ministers of all denominations of Christians to solemnize Marriage, presented and read, (166) **280**. Committed, (206) **349**. Considered; Reported, (215) **375-376**. Passed, (226) **391**. By the Council with amendments, (345) **588**. To be considered, (370) **617**. Considered, (423) **682**. Amendments Committed, (427) **686**. To be printed, (427) **687**. Again Considered, — No Report, (504) **831**.

MEDICAL SCHOOL — Petition of Medical Board, of the District of Montreal, (60) **112**. And of Medical Faculty of McGill College, for the establishment of, (162) **276**, (174) **306**.

MEDICINE AND SURGERY — BILL to regulate the practice of, presented and read, (337) **579**. Referred, (356) **599**. Reported, (400) **652**. Bill and Report Committed, (400) **652**.

MEMBERS — Vide *Addresses*, (24.); *Contingencies of the House*; *Elections controverted*; *Legislative Assembly*; *Members wages repeal*; *Members vacation*; *Messages*, (24.); *Sessional payment of Members*.

—— Rules respecting, (41) **73**.

—— Take the Oath and their seats, (1) **1**, (34) **50**, (97) **175**, (103) **187**, (184) **320**, (218) **381**, (387) **639**.

—— Leave of Absence granted, (60) **112**, (99) **179**, (103) **187**, (104) **188**, (167) **281**, (189) **325**, (199) **340**, (240) **418**, (252) **451**, (263) **464**, (295) **523**, (401) **653**, (403) **657**, (412) **668**, (413) **669**, (431) **692**, (453) **726**, (463) **741**, (475) **780**, (479) **789**, (487) **804**, (494) **818**, (524) **859**, (577) **935**, (635) **1006**.

—— Added to Committees, (15) **23**, (100) **180**, (115) **202**, (119) **206**, (167) **281**, (176) **308**, (213) **369**, (277) **489**, (335) **577**, (400) **653**: *negatived*, (420) **679**, (453) **726**, (462) **741**, (482) **793**, (510) **838**, (579) **940**.

—— Absent at calls of the House, (140) **248**, (152) **265**, (155) **269**, (216) **379**, (218) **381**, (382) **629**.

—— Excused serving on any more sittings of an Election Committee, (412) **668**, (463) **741**.

—— Not to act as Counsel in controverted Elections, (113) **199**.

—— Excused voting, (197) **339**.

—— Vacate their seats, (38) **69**.

—— Leave granted to attend Select Committees of the Legislative Council, (362) **605**.

—— Make Election when returned to represent two places, (419) **678**.

—— To be taken into custody, when not present at calls of the House, (151) **264**, (154) **267**, (218) **380**.

MEMBERS WAGES REPEAL — Notice of Motion respecting following matter, **209**. House resolves to go into Committee to consider of repealing or amending an Act of Upper Canada, respecting the payment of wages to Members of the House of Assembly; Considered, (183) **317**, (231) **397-399**. Resolution reported and agreed to, (236) **410**. Resolutions referred, (271) **478-479**. Address to His Excellency reported, (299) **528**. Agreed to, (300) **529**. — Vide *Addresses*, (27<sup>2</sup>.)

—— VACATION — BILL to enable Members from Upper Canada to vacate their seats in certain cases, presented and read, (54) **104**. Committed; Considered, (213) **370-371**. Reported, (213) **371**. Passed, (226) **391**. By the Council, (291) **512**. Royal Assent, (359) **602**. — 4th & 5th Vic., Cap. 4.

MESSAGE FROM DEPUTY GOVERNOR — Desiring the attendance of the Legislative Assembly in the Chamber of the Legislative Council, (640) **1014**.

MESSAGES FROM THE GOVERNOR GENERAL — Desiring the attendance of the Legislative Assembly in the Chamber of the Legislative Council, (2) **10**, (105) **189**, (358) **602**.

1. — Communicating the Royal Assent to the reserved Act of Upper Canada, authorising the sale of the private stock in the Welland Canal Company, (135) **231**. Referred, (209) **354**. — Vide *Welland Canal*.
2. — With Despatch from Lord J. Russell, on several of the most important subjects connected with Canada, (177) **310**. — Vide *Despatches*.
3. — In answer to Address (11.) upon the appointment &c. of Robert Baldwin, Esq., as one of Her Majesty's Executive Council, (186) **321**.
4. — In answer to Address (8.) for warrant in favour of Mr. Speaker for £5000, to liquidate the Contingencies of the late Legislature of Upper Canada, (186) **322**.
5. — In answer to Address (10.) for information as to the intention of Government to recommend a continuation of the Saint Lawrence Canal, (187) **322**.



6. — In answer to Address (15.) for copies of communications between His Excellency and the Home Government respecting the locality of the Seat of Government, (201) 344.
7. — In answer to Address (14.) on the subject of an Address of the late Upper Canada Assembly, for the introduction of Products of this Province into the Ports of Great Britain free of duty, (201) 344. Referred, (229) 395. — Vide *Duties on Exports*.
8. — In answer to Address (12.) as to whether the Royal Assent has been, or is likely to be given to the reserved Bill passed in Upper Canada, imposing duties on certain articles, imported into this Province from the United States, (201) 344.
9. — Recommending the propriety of providing for the purchase of the stock of the private Shareholders in the Welland Canal, conformably to a bill passed by the House of Assembly of Upper Canada, (207) 351. Referred, (209) 354. — Vide *Welland Canal*.
10. — With statement of the probable revenue and expenditure of the Province, and an Estimate of Expenditure up to the 31st December 1841, (207) 352. Referred, (240) 418. — Vide *Accounts, Public*.
11. — Recommending provision to be made for the salaries of the Judges and Clerks of the District and Division Courts of Upper Canada, (240) 419.
12. — With copy of Report of the Commissioners respecting the late Riots at Toronto, (279) 491. — Vide *Toronto City Riots*.
13. — In answer to Address (23.) relative to the Survey and Report of the intended Harbour at the mouth of Annis' and Black Creek, (306) 542.
14. — Recommending provision for ascertaining and liquidating all just claims in Lower Canada arising out of the Rebellion and invasions of that part of the Province, (336) 578.
15. — With estimate of salaries for the various officers of the two Houses of Parliament and of retiring allowances to Officers of the late Legislatures of Upper and Lower Canada, (346) 589. — Vide *Salaries to Officers of the Legislature*.
16. — In relation to Addresses (28, 29.) respecting His Instructions and those of Sir George Arthur on assuming their respective Governments, (390) 642.
17. — On the subject of the Public Improvements of the Province, (396) 648. — Vide *Public Improvements*.
18. — In answer to an Address (50.) on exercising the Royal Prerogative for granting a free pardon for certain crimes and offences, (488) 810. Address and answer to be printed, (494) 818.
19. — With Report of Committee of King's College Council, upon the state of the School Lands in the late Province of Upper Canada, with various documents, (520) 852.
20. — Recommending the payment of £446 4s. 2d. to David Thorburn, Esq., Commissioner of the Steam Dredge Machine, (521) 852. Referred, (524) 859. — Vide *Steam Dredge*.
21. — Recommending provision to be made for the establishment and maintenance of Common Schools throughout the Province, (537) 880.
22. — Recommending the appropriation of £20,000 for the formation of a line of road from Hamilton to Port Dover, (540) 883. Committed, (568) 922-925. — Vide *Public Improvements*.
23. — Recommending the appropriation of £1,500 for the completion of the Military Road from the Ottawa, near L'Original to the St. Lawrence, (540) 883. Committed, (568) 922-925. — Vide *Public Improvements*.
24. — In answer to Address (25.) relating to the Sessional payment of Members, (562) 910. Committed, (562) 910. — Vide *Sessional payment of Members*.
25. — In answer to Address (48.) for appointment of Commission to revise the Statutes and Ordinances of Lower Canada, (568) 926.
26. — In answer to Address (42.) in favor of C. Leggo, (574) 931. Referred, (576) 932. — Vide *Steam Dredge; Leggo, Christopher*.
27. — In answer to Address (53.) on appointment of a Commission relating to Seigniorial Tenure, (576) 933.
28. — Recommending £500 to Victoria College, (580) 941. — Vide *Victoria College*.

29. — Thanking the House for its Address of Condolence, (586) **948**.
30. — In answer to Address (56.) on Proroguing the Legislature, (598) **962**.
31. — Recommending £925 for the erection of certain Light Houses on the River St. Lawrence, (598) **963**.
32. — That he will transmit the Address to Her Majesty on the admission of the products of Canada into the Ports of Great Britain, free of duty, (638) **1011**.
33. — That he will transmit the Address to Her Majesty on the subject of the Seat of Government, (638) **1011**.
34. — That he will issue his warrant in favor of the Clerk of the House for £11,063 13s. 3d. currency, for contingencies of the House, (638) **1011**.
35. — Requesting the House that when it adjourns this day, it will adjourn to meet at 3 o'clock in the afternoon, at the Government House, (638) **1011**.
36. — That he will take into consideration the petition of the Directors of the Toronto and Lake Huron Rail Road Company, (639) **1012**.
37. — That he will take into consideration the claim of A. Manahan, Esq., (639) **1012**.
38. — That he will take into consideration the Report of the Select Committee on the case of R.F. Gourlay, Esq., (640) **1012**.

#### MESSAGES FROM THE LEGISLATIVE COUNCIL :

- With Bills of their own, (67) **124**, (240) **419**, (317) **559**, (501) **828**, (520) **852**, (586) **948**, (612) **980**.
- Assenting to Bills sent up by the Assembly, without amendment, (149) **261**, (250) **447**, (291) **512**, (301) **529**, (317) **559**, (345) **588**, (361) **604**, (365) **612**, (399) **651**, (412) **668**, (428) **687**, (483) **794**, (490) **812**, (501) **828**, (540) **884**, (544) **892**, (585) **948**, (603) **969**, (604) **970**, (609) **976**, (612) **981**, (631) **1002**, (633) **1005**, (638) **1011**, (639) **1011**.
- Assenting to Bills sent up by the Assembly, with amendments, (175) **307**, (345) **588**, (365) **612**, (406) **660**, (412) **668**, (428) **687**, (442) **710**, (471) **767**, (484) **794**, (490) **812**, (502) **829**, (526) **862**, (529) **868**, (540) **884**, (544) **893**, (585) **948**, (610) **977**, (611) **978**, (612) **981**, (621) **990**, (632) **1002**.
- Agreeing that their Members may attend before Committees of the Assembly to give evidence, (175) **308**, (212) **368**, (520) **852**.
- Requesting the attendance of Members of the Assembly to give evidence before Committees of their Honors, (361) **604**, (370) **617**.
- With a Resolution transmitting a manuscript copy of the rules of that Honorable Body, (67) **123**.
- Requesting the evidence upon which the Assembly passed the Bill for preventing failure of Justice in regard to the returns of certain Members at the last General Election, (212) **368**. Referred to Select Committee, (225) **387-390**. — *Vide Elections Controverted*, (Bill to prevent failure of Justice, &c.) ; *Messages to the Legislative Council*.
- Assenting to the Petitions to the QUEEN ; to the House of LORDS ; and to the House of COMMONS, on the subject of the Timber duties, (321) **562**.
- With Address to the Governor General to transmit the Petitions on Timber duties, (346) **588**.
- For the Two Speakers to wait upon His Excellency with the Joint Address, (399) **652**.
- With Resolutions on the subject of a Commission to prepare and report a system of General Education, (428) **688**.
- Agreeing to amendments made by the Legislative Assembly to amendments of their own, (544) **893**.
- Appointing a Committee on their part on the Library, (610) **977**.
- Assenting to Address to His Excellency to transmit the Public Lands Sale Bill, (629) **1000**.
- With an Extract from the Report of a Select Committee on the subject of the Library, (639) **1012**.

## MESSAGES TO LEGISLATIVE COUNCIL :

- Requesting the attendance of their Honors before Committees of the Assembly, (168) **283**, (190) **326**, (205) **348**, (366) **613**, (512) **840**.
- With Report of Select Committee on Message of their Honors, relating to the Bill to prevent failure of Justice in respect to certain Elections in Lower Canada, (261) **462**.
- Communicating a Resolution respecting the Library, (597) **961**.
- With Address to the Governor General to transmit the Public Lands Sale Bill, (624) **994**.

MIDDLESEX COUNTY — Vide *Elections*, (Writs) ; *Clerk of the Crown in Chancery*.

MILBURN, JOSEPH — Petition of, for compensation for Injury sustained by him during the late Election for the first riding of the County of York, (309) **547**, (325) **567**. Referred, (311) **550**. — Vide *Home District Riots*.

MILITARY ROAD, EASTERN DISTRICT — Vide *Messages*, (23.) ; *Public Improvements*, Bill ; *Supply*, (Resolutions.)

MILITIA FINES — Vide *Addresses*, (19.)

—— Petition of Jacob Gross and Daniel High, Ministers of the Menonist Church, relative to Exemption from, (11) **19**. Referred, (71) **129**. Petition of same subject, **135**. Petition from the people called Menonites and Tunkers, complaining of the Militia Law, (84) **156**. *Infra*.

MILITIA LAW — Notice of Motion for a Select Committee on the following matter, **50**. BILL to amend the Militia Law of the late Province of Upper Canada, presented and read, (94) **168**. Committed, (265) **466**. Considered ; Reported, (274) **482**. Passed, (275) **484**. By the Council, (317) **559**. Royal Assent, (359) **602**. — 4th & 5th Vic., Cap. 2.

MILITIA PENSIONS — Petitions respecting : — Of John Cole, (11) **19**. Of A. Stull and P. Lampman, (12) **20**. Of Rebecca McIntee, (102) **186**, (129) **219**. — Petition of A. Stull and P. Lampman, referred, (102) **186**. Petition of John DeCew and of John Kalar, referred to same Committee, (102) **186**, (103) **187**. Committee report, (181) **314**, (487) **804**. — Vide *Haldimand Glass Works* ; *Unjust Judgment*.

MILITIA ADJUTANT — General's Department. — Vide *Supply*, (Resolutions.)

MILL DAMS — Petition of the Honorable J. McGillivray and others, of the Eastern District, for settling damages done to property, overflowed by the erection of Mill dams, (199) **342**, (211) **367**.

—— BILL to settle by a more easy and less expensive mode than now exists, the damages sustained by the Proprietors, of Lands overflowed by the erection of Mill dams, presented and read, (203) **346**. Committed, (231) **396**. Considered, (267) **473**, (289) **509**. Bill referred to Select Committee, (289) **510**. — Vide *Questions negated*.

MINING AND FISHING — Petition of Louis [or Lewis] Davenport and others, of Windsor, for an Act of Incorporation, (275) **484**, (291) **513**.

MIRROR OF PARLIAMENT — Vide *Questions negated*.

—— Five hundred of each number to be taken, (134) **230**. Order to be rescinded on 6th August, (235) **408**.

MONTRÉAL AND QUÉBEC ROADS — Vide *Supply*, (Resolutions.)

MONTREAL AMERICAN FREE SCHOOL — Petition of John E. Mills and others for aid, (268) **475**, (283) **502**.

MONTREAL ASYLUM FOR AGED AND INFIRM WOMEN — Petition of Dame Emilie Gamelin and others, for an Act of Incorporation, (308) **547**, (324) **566**. Referred, (325) **567**. BILL reported and read first time, (400) **652**. Second time, (422) **681**. Passed, (443) **712**. By the Council, (490) **812**. Royal Assent, (641) **1014**. — 4th & 5th Vic., Cap. 67.

—— Petition of Dame Emilie Gamelin and others for aid, (308) **547**, (324) **566**. — Vide *Supply*, (Resolutions.)



MONTREAL BANK—Statement of its affairs presented, (152) **265**.

— Petition of, for an Extension of Corporate Powers and increase of Capital Stock, (98) **175**, (114) **200**. Referred, (115) **201**.— Vide *Upper Canada Bank*.

— BILL to extend its charter and increase its Capital Stock, presented and read, (431) **692**. Committed, (483) **793**. Considered; Reported, (577) **935**. Passed, (578) **939**. By the Council with amendments, (611) **978**. Considered and agreed to, (611) **978**. Reserved for Her Majesty's Pleasure, (643) **1017**.

MONTREAL BIBLE SOCIETY—Petition of, to be exempted from the payment of duty on Bibles imported into the Province, (79) **144**.— Vide *Scriptures duty exemption*.

MONTREAL BOARD OF TRADE—Petition of R. Armour and others for an Act of Incorporation, (162) **276**, (174) **306**. Referred, (171) **290**. BILL reported and read, (278) **490**. Committed, (307) **543**. Considered, (322) **564**. Reported, (337) **580**. Passed, (352) **595**. By the Council with amendments, (412) **668**. Considered, (439) **706**. Agreed to, (440) **706**. Reserved for Her Majesty's Pleasure, (643) **1017**.

MONTREAL CITY BANK—Statement of its affairs, presented, (126) **216**.

— Petition of, for renewal of charter and increase of its Capital Stock, (102) **186**, (129) **219**. BILL to extend its charter and increase its Capital Stock, presented and read, (431) **692**. Committed, (489) **811**. Considered; Reported, (577) **935**. Passed, (578) **939**. By the Council with amendments, (612) **981**. Considered; agreed to, (619) **988**. Reserved for Her Majesty's Pleasure, (643) **1017**.

MONTREAL CORPORATION—Petition of, to be allowed to pay a greater rate of Interest than six per cent, on loans of money, (171) **289**, (185) **320**. Referred, (194) **331**.

MONTREAL COUNTY—Vide *Elections controverted*.

MONTREAL COUNTY FIRE INSURANCE COMPANY—Petitions, desiring to become Members to the said Company:—Of G.W. Blanchard and others, County of the Lake of Two Mountains; Of R. Mackenzie and others, County of Terrebonne; Of Félix Lussier and others, County of Verchères; Of J.E. Mignault and others, County of Richelieu; Of Isidore S. Lafontaine and others, County of Berthier; Of T. Lemay and others, County of Rouville; Of J.C. Wetherall [or Wetherald] and others, County of Huntingdon; Of A. Archambault and others, County of St. Hyacinthe, (127) **217**, (163-164) **277**. And of Thomas Gardner and others, County of Beauharnois, (365) **611**, (388) **640**. Petitions Referred, (165) **279**, (171) **290**, (176) **308**. Report; Committed, (203) **345**. Considered; Resolution Reported, and agreed to, (265) **466**.— Vide *Mutual Fire Insurance Company, Lower Canada*.

— Petition of Pierre Beaubien and others, Members of said Company, that Judges and Justices of the Peace, members of the said Company, may not sit in legal proceedings, where the Company is interested, and that other members may not be witnesses in cases of or against said Company, (184) **320**, (202) **345**.

MONTREAL LADIES BENEVOLENT INSTITUTION—Petition of, for an Act of Incorporation, (74) **139**. Referred, (166) **280**. BILL reported and read, (187) **323**. Second time, (206) **349**. Committed, (215) **376**. Passed, (227) **392**. By the Council, (250) **447**. Royal Assent, (359) **602**.—4th & 5th Vic., Cap. 66.

— Petition for aid, (162) **276**, (174) **306**.— Vide *Supply*, (Resolutions.)

MONTREAL RECOLLET SCHOOL—Petition of Peter Dunn and others, for aid towards said Institution, (334) **576**, (352) **595**.

MONTREAL RIVER ROAD—Petition of Jacob Glen, and others against the decision of the Trustees of the said road, (113) **199**, (129) **219**. Referred, (130) **220**. Report, (579) **940**.

MONTREAL, ROADS IN VICINITY—Petition of J.B. Milliette and others, complaining of the Ordinance 3rd Vic., Cap. 31, respecting said roads, (259) **460**, (269) **475**.

— House resolves to go into Committee on amending ordinance of Special Council for the Improvement of the Roads in the vicinity of Montreal, (204) **346**. Considered, (245) **433**. Resolution reported, (245) **434**. BILL presented and read, (245) **434**. Committed, (304) **541**. Considered, (408) **662**. Reported, (414) **670**. Passed, (416) **674**. By the Council, (483) **794**. Royal Assent, (641) **1014**.—4th & 5th Vic., Cap. 35.

MONTREAL ROMAN CATHOLIC ORPHAN ASYLUM — Petition of, for an Act of Incorporation, (308) **547**, (324) **566**. Referred, (325) **567**. BILL presented and read, (400) **652**. Second reading, (422) **681**. Passed, (443) **712**. By the Council, (501) **828**. Royal Assent, (641) **1015**. — 4th & 5th Vic., Cap. 66. — Vide *Supply*, (Resolutions.)

MOTIONS AND QUESTIONS — Rules respecting, (43) **75**.

—— Notice of Motion respecting said Rules, **209**. — Vide *Printing*.

MUNICIPAL AUTHORITIES, UPPER CANADA — Petition of James Adams [or Adam] and others, of Township of Oro, for the establishment of District Councils, (171) **289**, (185) **320**.

—— Notice of Bill, **151**. BILL for the better internal Government of that part of this Province heretofore Upper Canada by the establishment of Local or Municipal authorities therein, presented and read, (182) **316**. To be printed, (182) **316**. Committed, (241) **523**. Considered, (282) **494-500**. Committee instructed to consider the expediency of repealing or amending the ordinances of the Special Council of Lower Canada, 4 Vic., Cap. 3 & 4, on the subject of Local or Municipal authorities in that part of the Province on division, (295) **516-523**. Committee of whole to be the first order, on division, (295) **523**. Again considered, (296) **524**, (297) **525**, (302) **530-536**. Papers and documents relating to Municipal Districts of Lower Canada referred to the above Committee, (307) **543**. Again considered, (316) **554-556**, (364) **608-609**. Reported, (371) **618**. Amendments moved, and *negatived* on division, (372-374) **618-621**. Amendments of Committee to the Bill concurred in, (374) **621**. On question for the third reading, amendments proposed and *negatived* upon division, (374-380) **621-627**. Question for the third reading in six months *negatived*, (382) **629-634**. Clause added, (383) **634**. Question to discharge the order for the third reading, *negatived* upon division, (384) **635**. Bill passed upon division, (384) **636**. By the Council, (428) **687**. Royal Assent, (441) **707**. — 4th & 5th Vic., Cap. 10.

MUNICIPAL DISTRICTS, LOWER CANADA — Vide *Addresses*, (24.)

—— Notice of Bill, **151**. Papers and documents having reference to the erection of Municipal Districts in Lower Canada presented, (306) **542**. Referred to Committee of whole on *Municipal Authorities, Upper Canada*, and to be printed, (307) **543**.

—— Petitions of P.E. Taschereau and others of the District of Chaudière, for alterations in the Ordinance of Lower Canada respecting District Councils, (472) **777**, (486) **803**. Referred, (487) **804**. Report Committed, (567) **920**.

MUNICIPAL ELECTIONS — Vide *Ballot*.

MUTUAL FIRE INSURANCE COMPANIES, LOWER CANADA — BILL to amend the Act of Lower Canada, relative to the establishment of Mutual Fire Insurance Companies, presented and read, (265) **466**. Second reading, (286) **505**. Passed, (291) **512**. By the Council with amendments, (365) **612**. Amendments considered, (370) **617**. Agreed to, (370) **617**. Royal Assent, (440) **707**. — 4th & 5th Vic., Cap. 40.

MUTUAL INSURANCE COMPANIES, UPPER CANADA — House resolves to go into Committee to consider of amending the Act of Upper Canada, relative to the establishment of Mutual Insurance Companies therein, (213) **369**. Considered, (248) **443**. Resolutions reported, and referred to Select Committee, (249) **443-444**. BILL presented and read, (336) **578**. Committed, (356) **599**. Considered; Reported, (441) **708**. Passed, (449) **722**. By the Council, (501) **828**. Royal Assent, (641) **1015**. — 4th & 5th Vic., Cap. 64.

## N

NATURALIZATION — Vide *Addresses*, (34.)

—— Petitions from sundry persons to be naturalized : — Of Cyprian Morgan; Of Harvey Clarke, (18) **30**. Of William H. Edwoods and others, (29) **44**. Of G. Frederick Verhoeff, Lewis Davenport, Thomas M. Taylor and J. Babcock, (35) **52**. Of Emery Osgood Tyler, (39) **71**. Of J.C. Moulton, (50) **84**. Of Israel Williams, (55) **104**. Of Benjamin P. Smith, (84) **155**. Of Rev. William Sharts [or Shorts], (97) **175**, (113) **199**. Of Abraham Van V. Pruyn; Of Alfred H. Blake, (98) **175**, (114) **200**. Of James Oswald; Of Thomas Oswald; Of Richard Collier, (127) **217**, (163-164) **277-278**. Of Urson Harvey, (164) **278**. Of John R. Sixmith, (163) **277**. Of Daniel Quackinbush, (175) **307**. Of H. Douthitt, (171) **289**, (184) **320**. Of John Cook and others, for the naturalization of the Rev.

W. Sharts, (233) **404**, (242) **429**. Of Charles Williams, (359) **602**, (385) **636**. Of Lewis Lyman, of Beauharnois, (443) **712**, (449) **722**.

—— Petitions of G. Frederick Verhoeff and others; and of C. Moulton, referred, (78) **143**. BILL to naturalize certain persons reported and read, (104) **187**. Ordered for second reading, (104) **187**.

—— Petition of Lewis Lyman, referred, (460) **738**. BILL reported to confer upon him the civil and political rights of a British subject, presented and read, (477) **787**. Read second time, (489) **811**. Passed, (492) **816**. By the Council, (603) **969**. Royal Assent, (642) **1015**. — 4th & 5th Vic., Cap. 84.

—— Notice of General Bill to naturalize some thirty or forty persons, **239**. BILL to secure and confer upon certain Inhabitants of this Province the Civil and Political rights of natural born British subjects, presented and read, (169) **284**. Committed, (206) **349**. Considered, — No quorum, (241) **427**. Again considered, (243) **430-432**. Reported, (244) **432**. Motion to discharge the Order for the third reading, and Resolutions proposed, *negated*, (251-252) **447-450**. Read third time; Motion for recommittal, *negated*, (252) **451**. By the Council, with amendments, (406) **660**. Amendments concurred in, (419) **677**. Royal Assent, (440) **707**. — 4th & 5th Vic., Cap. 7.

—— BILL to naturalize the Rev. William Sharts, brought from the Council, (612) **981**. Read, (613) **981**. Read the second and third times and passed, (618) **988**. Royal Assent, (643) **1016**. — 4th & 5th Vic., Cap. 85.

NEW, WILLIAM — Petition of, that his name may be inserted in the Petition of the contractors of the Hamilton and Brantford Macadamized Road, being one of the contractors, (303) **539**, (318) **560**.

NEWSPAPERS — Vide *Mirror of Parliament*.

—— The Papers of the Province to be subscribed for, by the Clerk, (22) **34**. Subject referred, (72) **133**. Report, (98) **176-177**. Committed, (99) **177**. Considered, (112) **196-197**. Resolution reported and agreed to, on division, (134) **228-230**. — Vide *Questions negated*.

—— Discussion on alleged contempt of Parliament by Newspapers, **400-401**.

NIAGARA — Vide *Elections controverted*, (Niagara Town.)

NIAGARA DISTRICT BANK — Petition of Geo. Rykert and others, for an Act of Incorporation, (21) **33**. Referred, (72) **130**. BILL presented and read, (118) **205**. Committed, (463) **741**. Considered; Reported, (576) **933**. Passed, (588) **951**. By the Council with amendments, (621) **990**. Considered; Agreed to, (621) **990**. Reserved for Her Majesty's Pleasure, (643) **1017**.

NICHOLS, GEORGE — Petition of, for relief for wounds received in Her Majesty's Service, (259) **460**, (269) **476**.

NORFOLK COUNTY — Bill to define the Westerly limits of the County of Norfolk presented and read, (504) **830**. Second reading, (539) **882**. Passed, (541) **890**. — Vide *Talbot District*.

NORREAU, LOUIS — Petition of, for re-instatement into Office as Messenger of the Legislative Council, or remuneration for loss of Office, (223) **386**, (233) **404**. Referred, (234) **404**. — Vide *Officers and Departments of the House*. Resolution for Pension, (608) **974**.

NORTH AMERICAN COLONIAL ASSOCIATION OF IRELAND — Petition of, to be authorised to loan money to the District Council, for the construction of Roads, &c. in the County of Beauharnois, (171) **289**, (185) **320**. Referred, (176) **308**. BILL reported and read, (203) **346**. Committed, (214) **372**. Considered, (239) **416**, (440) **707**, (441) **708**. Reported, (444) **713**. Passed, (449) **722**. By the Council, (501) **828**. Royal Assent, (641) **1015**. — 4th & 5th Vic., Cap. 54.

NORTHERN ROAD — Vide *Improvements*, Bill; *Supply*, (Resolutions.)

NOTARIAL PROFESSION — BILL to regulate the admission to the Notarial Profession in Lower Canada, presented and read, (300) **529**. Committed, (356) **599**. Considered, (448) **719**.



## O

OAKVILLE HARBOUR — Vide *Addresses*, (20.); *Harbours*.

OFFENCES AGAINST THE PERSON — BILL for consolidating and amending the Laws relative to, presented and read, (22) **34**. Referred, (132) **223**. Reported; Bill and Report Committed, (312) **551**. Considered, — No quorum, (442) **710-711**. Again Considered, (444) **713**. Reported, (454) **727**. Passed, (474) **779**. By the Council with amendments, (544) **893**. Considered, (549) **898**. Agreed to, (552) **901**. Royal Assent, (642) **1015**. — 4th & 5th Vic., Cap. 27.

OFFICE HOURS — Attendance of Officers of the House, and Extra Clerks, during the Session, (47) **79**.

OFFICERS AND DEPARTMENTS OF THE HOUSE — Vide *Salaries to Officers of the Legislature*; *Speaker's Salary*.

——— Select Committee appointed to consider what assistance is necessary to afford the Clerk; and the Clerks and Departments required for the business of the House, (78) **142**. To report from time to time, (116) **203**. Petitions referred: — Of L.B. Pinguet, (84) **156**. Of Alpheus Todd, (98) **175**. Of Aeneas Bell; Of Julia Bell, (176) **308-309**. Of Louis Norreau; Of Alfred Todd and two others, (234) **404-405**. First Report, (116) **203**. Committed, (118) **205**. Considered, (183) **318**, (191) **326-328**, (274) **482**. Resolutions reported and agreed to, (204) **347**, (274) **482**. — Vide *Addresses*, (22.) Second Report, (269) **476**. Committed, (271) **478**. Considered, (321) **563**, (503) **830**. Three Resolutions reported and agreed to, (513) **840**.

OFFICES — Vide *Vacancies in the Offices*.

OGDEN, MR. ATTORNEY GENERAL — Vide *Addresses*, (38.)

ORANGE SOCIETIES — Petition [of W.W. Baldwin] for their suppression, **135**, (97) **175**, (113) **199**. Petition referred, (260) **461**. — Vide *Home District Riots*. — Petition of Hector McGilvray for the same, (365) **611**, (388) **640**.

——— Question, respecting Government's intentions with regard to their suppression, **209**.

ORDERS OF THE DAY — Vide *Questions negated*; *Printing*.

——— Particular Orders taken up, (33) **49**.

——— To be laid on the Speaker's table and hung up in lobby, (96) **169**.

——— Read, (100) **180**.

——— Discharged, (93) **165**, (134) **228**, (172) **291**, (194) **332**, (282) **493**, (315) **554**.

ORDERS OF THE HOUSE — Rescinded, (510) **838**, (523) **858**.

ORDINANCES OF LEGISLATIVE COUNCIL OF QUEBEC — Vide *Pass Repeal*.

ORDINANCES OF SPECIAL COUNCIL — Petition of Inhabitants of the County of Portneuf, complaining that certain Laws imposing burthens, were passed by said Council in which they were not represented, and praying relief, (55) **105**. Petition of divers Inhabitants of Lower Canada complaining the same, (74) **138**. Petitions referred, (130-131) **221**.

——— Vide *Board of Works*; *Gaspé Territorial division*; *Montréal roads in vicinity*; *Ports of Québec and Montréal*; *Printing*; *Quebec Corporation*; *Québec roads in vicinity*; *Sherbrooke and Richelieu Rail Road*; *Tait, Charles and others*; *Tavern and Tavern Keepers*; *Winter Carriages*; *Winter Roads*.

OTANABEE RIVER — Petition of Thomas Carr and others for assistance to construct an Embankment over said River, (207) **351**, (227) **393**.

OTTAWA DISTRICT — Vide *Addresses*, (17.)

——— Petition of Nicholas Gifford and others for a new Gaol and Court House in a more central part of the District, (239) **418**, (252) **451**.

OTTAWA RIVER — Notice of Motion for an Address, **720**. — Vide *Addresses*, (49.); *Public Improvements*, Bill; *Supply*, (Resolutions.)

OTTAWA TO SAINT LAWRENCE — Vide *Messages*, (23.); *Public Improvements*, Bill; *Supply*, (Resolutions.)

OWEN'S SOUND ROAD — Report thereon, with observation of the Honourable R.B. Sullivan, presented, (562) 910. To be printed, (562) 911. — Vide *Supply*, (Resolutions.)

## P

PAPERS — Vide *Newspapers*; *Mirror of Parliament*.

——— When laid before the House, how disposed of, (46) 78.

PARDON — Questions respecting Political Amnesty for Rebellion Exiles, 287, 340-341. — Vide *Canadian prisoners*.

——— Petition of J.W. Woolsey and others of Québec, for the intercession of the Legislature with Her Majesty's Government for a full and General pardon to all persons engaged in the late troubles in this Province, (224) 386, (234) 404. Referred, (311) 550. *Infra*.

——— House resolves to go into Committee, to consider of Addressing His Excellency on the exercise of the Royal Prerogative to Pardon Crimes &c., connected with the late political disturbances, (304) 540. Petition of J.W. Woolsey and others also Committed, (311) 550. — Subject considered, (456) 729-732. Resolution Reported; Question, — shall the main question be now put? Carried on division, (456) 733. Resolution Committed; Reported and agreed to, (457) 734. — Vide *Addresses*, (50.)

PARENT, E. ESQ. — Petition of, for remuneration for services as Law Clerk of the House of Assembly of Lower Canada, (449) 722, (466) 762. Referred, (466) 762. Report, (478) 788. Report referred to Select Committee on *Contingencies of the House*, (482) 792. A Resolution reported, (545) 893. Amendment; agreed to, (596) 960.

PARLIAMENT BUILDINGS — Québec — Vide *Supply*, (Resolutions.); Toronto — Vide *Bell, Aeneas*.

PARLIAMENT OF CANADA — Question about Seat of Government; Motion withdrawn, 557-558. Petition of J.S. Baldwin and others, of Toronto, to Petition Her Majesty to cause the Parliament of Canada to meet alternately at Toronto and Québec, or to remunerate those Cities for the loss they will otherwise sustain, (403) 656, (417) 676. Referred, (430) 691. A Member added, (462) 741. Report, (467) 763. Committed, (468) 764. Motion for consideration forthwith, *negated*, (591) 955. Subject considered; Address to Her Majesty reported, (625) 994. Agreed to, on division, (627) 996 — Vide *Addresses to the Queen*. Address to His Excellency to transmit the Address to Her Majesty agreed to, on division, (628) 997-998. — Vide *Addresses*, (61.)

PARLIAMENT, PROVINCIAL — Vide *Proclamation*; *Parliament of Canada*; *Questions negated*.

PASS REPEAL — House resolves to go into Committee, to consider of repealing the ordinance of the Governor and Council of the Province of Quebec, 17th Geo. 3, preventing persons from leaving the Province without a pass; Considered; Resolution reported, and agreed to, (495) 818. BILL to repeal an Ordinance of the Province of Quebec — to prevent persons leaving the Province without a pass, presented and read, (495) 819. Second time, (519) 849. Passed, (522) 857. By the Council, (544) 892. Royal Assent, (642) 1015. — 4th & 5th Vic., Cap. 53.

PATRICK, ALFRED — Clerk in late Upper Canada Assembly, Petition of, that his pay be made up to £ 200 for the past year, (259) 460. Referred to Committee on *Contingencies of the House*, (260) 461. Report, (270) 477. Agreed to, (281) 493.

PATRICK, W.P. — Vide *Deputy Clerk*.

PATTON, ANDREW — Petition of, for an increase of salary as land waiter at Port Stanstead, (171) 289, (184) 320.

PENITENTIARY — Vide *Provincial Penitentiary*.

PENSIONS CIVIL — Petitions of Jacques Voyer, (162) 276, (174) 306. Of William Ginger, (207) 351, (227) 392. And of Charles De Léry, Senr., (308) 547, (324) 566, officers in the late Lower Canada Legislature.

——— Estimate of Pensions to retired officers and servants of the Legislatures of the late Provinces of Upper and Lower Canada, sent down by His Excellency, (346) **589**. Committed, (413) **669**. Considered, (599) **963-964**. Resolutions reported and agreed to, (607-608) **974-975**. — Vide *Salaries of Officers of the Legislature*, Bill.

PENSIONS, MILITIA — Vide *Militia Pensions*.

PETITIONS — Rules respecting, (46) **78**. Notice of Motion respecting said Rules, **209**.

——— Debate on Petitions asking for grants of money, **170-173**.

——— On contested elections, declared frivolous and vexatious, (278) **490**.

——— On contested elections, discharged, (172) **291**, (194) **332**, (229) **395**.

——— Presented in the last session of the late Upper Canada Legislature, **209**.

——— Rejected, being printed, **225**.

——— Objected to, for want of signatures, **285-286**.

——— To the QUEEN ; To the House of LORDS ; And to the House of COMMONS on the subject of duties on Timber imported into the United Kingdom from the Colonies, (253) **452**, (254) **453**, (255) **454**. Sent to Legislative Council for concurrence, (255) **454**. Agreed to by the Council, (321) **562**. Joint Committee to prepare Address to His Excellency to accompany petition, (321) **562**. — Vide *Addresses, Joint*.

——— Question about progress of a Petition, **735-736**.

#### KEY TO PETITIONS PRESENTED.

##### A

Abbott, Rev. Josh., and others, vide *Education and Schools*, (Scriptures.)

Abbott, Rev. Wm., and others, vide *Education and Schools*, (Scriptures.)

Adams, A.A., vide *Education and Schools*, (Scriptures.)

Adams, George, vide *Queenston and Grimsby Macadamized Road*.

Adams, Jas., and others, vide *Municipal Authorities, Upper Canada*.

Allan, Daniel, vide *Education and Schools*, (Scriptures.)

Alley, Gerald, and others, vide *Education and Schools*, (Scriptures.)

*Alma, John S.*

Anderson, Rev. Josh., and others, vide *Education and Schools*, (Scriptures.)

Anderson, Rev. Richd., and others, vide *Education and Schools*, (Scriptures.)

Anderson, Rev. Wm., and others, vide *Education and Schools*, (aid &c.)

Andres, Saml., and S.R., vide *Claims for Losses*.

Annis, David, vide *Whitby Marsh*.

Archambault, A., and others, vide *Montreal County Fire Insurance Company*.

Armour, Robt., and others, vide *Montreal Board of Trade*.

Arnold, John, and others, vide *Duties on Imports*.

Atkinson, John, vide *Claims for Losses*.

##### B

Babcock, Geo., and others, vide *Toll Exemption*.

Babcock, J., vide *Naturalization*.

*Baird, N.H.*

Baldwin, Connell J., vide *Elections controverted*, (York 2nd Riding.)

Baldwin, J.S., and others, vide *Parliament of Canada*.

Baldwin, W.W., vide *Orange Societies*.

Balfour, Rev. Andrew, vide *Education and Schools*, (Scriptures.)

Balfour, Rev. A., vide *Education and Schools*, (aid &c.)

Balfour, Rev. A., vide *Roads and Bridges*, (aid &c.)

Barron, Thos., and others, vide *Court of Requests, Lower Canada*.

Beaubien, Pierre, and others, vide *Montreal County Fire Insurance Company*.

*Bell, Aeneas*, (two petitions.)

Bell, Hon. M., and others, vide *District of Three Rivers*.

*Bell, Julia*.

Bell, Rev. Wm., vide *Tay Navigation Act*.

*Benson, P.M.*

*Bible Christians*.



Bishop and Clergy of Toronto, vide *Education and Schools*.  
 Bishop of Montreal, vide *Roads and Bridges*, (aid.)  
 Bishop of Montreal, and others, *Education and Schools*, (Scriptures.)  
 Bishop of Toronto, and others, vide *House of Industry*.  
 Black, James, and others, vide *Québec, Roads in Vicinity*.  
 Black, Rev. Edwd., and others, vide *Education and Schools*, (Scriptures.)  
 Blake, Alfred H., vide *Naturalization*.  
 Blanchard, G.W., and others, vide *Montreal County Fire Insurance Company*.  
 Board of Trade, Montreal, vide *Bankrupt Laws*; *Currency*; *Inspection Laws*; *Lake St. Peter*; *Ports of Québec and Montréal*; *Real Estate*; *Usury*.  
 Board of Trade, Toronto, vide *Bank of Issue*; *Bankrupt Laws*.  
 Bockus, and others, vide *Court of Requests*, *Upper Canada*.  
 Bolduc, Joseph.  
 Bonaventure County, Inhabitants of, vide *Elections controverted*.  
 Bonner, John, and William Petry.  
 Bowron, Wm., and others, vide *Education and Schools*, (aid &c.)  
 Boyle, Richd. M., and others, vide *Queenston and Grimsby Macadamized Road*.  
 Brady, Jas., and others, vide *Roads and Bridges*, (aid.)  
 Brantford, Fire Company, vide *Fire Companies*.  
 Brethour, Rev. Wm., and others, vide *Education and Schools*, (Scriptures.)  
 Brislane, Margaret.  
 Burn, John, and others, vide *Roads*.  
 Burton, Wm., and others, vide *Bonaventure County*.

## C

Calder, Donald.  
 Cameron, John, vide *Roads and Bridges*, (aid.)  
 Campbell, Archibald, Junr., and others, vide *Education and Schools*, (aid &c.)  
 Campbell, Archibald, Senr., and others, vide *Education and Schools*, (aid &c.)  
 Canada Fire Assurance Company.  
 Carly, John, vide *Claims for Losses*.  
 Caron, Jean L., vide *Claims for Losses*.  
 Carr, Thomas, and others, vide *Otanabee River*.  
 Carr, Thomas, Junr., and others, vide *Rice Lake and Cobourg*.  
 Carrall [or Carroll], James, and others, vide *Woodstock Town*.  
 Carroll, John O. [or O'Carroll, J.], vide *Claims for Losses*.  
 Chambly County, Inhabitants of, vide *Elections controverted*.  
 Charleston and Hatley, Inhabitants of, vide *Education and Schools*, (Scriptures.)  
 Chep, J., and others, vide *Education and Schools*.  
 Cheyne, Christopher, vide *Roads and Bridges*, (aid.)  
 Church, B.R., and others, vide *Roads and Bridges*, (aid.)  
 Clarke, B., and others, vide *Banks*.  
 Clarke, D., and others, vide *Roads and Bridges*, (aid.)  
 Clarke, Harvey, vide *Naturalization*.  
 Clarke, James, and others, vide *Roads and Bridges*, (aid.)  
 Clarke, William, and others, vide *Roads and Bridges*, (aid.)  
 Clench, Jos. P., vide *London District*.  
 Coates, William.  
 Cole, John, vide *Militia Pensions*.  
 Coleman, Jas., and others, vide *Fire Companies*.  
 Collier, Richard, vide *Naturalization*.  
 Commercial Bank, Midland District.  
 Commissioners of Midland District Turnpike Trust, vide *Turnpike Trusts*.  
 Cook, John, and others, vide *Naturalization*.  
 Cook, Rev. John, and others, vide *Education and Schools*, (Scriptures.)  
 Covernton, Jas., and others, vide *Duties on Imports*.  
 Covernton, Jas., and others, vide *Talbot District*.  
 Cox, William, and others, vide *Education and Schools*, (Scriptures.)  
 Crooke, Thos. L., and others, vide *Duties on Exports*.  
 Crooks, James.  
 Cummings, James, and others, vide *Canadian Prisoners*.  
 Currie, Charles, and others, vide *Education and Schools*, (aid &c.)

## D

Davenport, Lewis [or Louis], and others, vide *Mining and Fishing*.  
 Davenport, Lewis [or Louis], vide *Naturalization*.  
*Davidson, Alexander*.  
 De Cow [or De Cew], John, and others, vide *Haldimand County*.  
 De Cow, John, and others, vide *Haldimand Glass Works*.  
*Defries, Robert, and others*.  
*De Gaspé, Philip Aubert*.  
 De Léry, Charles, Senr., vide *Pensions Civil*.  
 Denicourt, François, vide *Claims for Losses*.  
 De Rouville, Jean B.R.H., vide *Claims for Losses*.  
 Desgagnés, Michel, and others, vide *Saguenay County*.  
 De Witt, Jacob, vide *Elections controverted*, (Beauharnois.)  
 Douro Township, Inhabitants of, vide *Roads and Bridges*, (aid.)  
 Douthitt, Henry, vide *Naturalization*.  
 Dowsley, Joseph, and others, vide *Escott Township*.  
 Dugas, Fredk., and others, vide *Bonaventure County*.  
 Dugas, Fredk., and others, vide *Roads and Bridges*, (aid.)  
 Dunlop, William, vide *Elections controverted*, (Huron County.)  
 Dunn, Peter, and others, vide *Montreal Recollet School*.  
*Durham Township, Inhabitants of*.

## E

Eastern Townships' clergy of Church of England, vide *Education and Schools*, (Scriptures.)  
 Edwoods, Wm. H., vide *Naturalization*.  
 Elder, D., vide *Claims for Losses*.  
*Elizabethtown, Inhabitants of*.  
 Ellice, Edward, and others, vide *Claims for Losses*.  
*Erie and Ontario Rail Road Company*.  
 Ewart, Jas. B., and others, vide *Desjardins Canal*.

## F

Farewell, A.M., vide *Whitby Marsh*.  
 Fitzpatrick, Bernard, and others, vide *Imprisonment for Debt*.  
 Fletcher, Wm., and others, vide *Bear Creek*.  
 Fordyce, A. Dingwall, and others, vide *Gore District Public Buildings*.  
 Fordyce, A. Dingwall, and others, vide *Wellington District*.  
 Forsyth, J.R., and others, vide *Kingston Mechanics Institute*.  
 Foster, P.S. Esq., and others, vide *Education and Schools*, (aid &c.)  
 Foucault Seignory, Inhabitants of, vide *Claims for Losses*.  
 Franchère, Timothée, vide *Elections controverted*, (Rouville County.)  
 Fraser, Malcolm, and others, vide *Education and Schools*, (Scriptures.)  
 Fraser, Rev. S.C., and others, vide *Education and Schools*, (Scriptures.)  
 Freer, Noah, and others, vide *Registry Laws*.  
 Freeland and Taylor, Messrs., vide *Duties on Imports*.  
 Frontenac County, Inhabitants of, vide *Elections controverted*.

## G

Galloway, Sam., and others, vide *Education and Schools*, (aid &c.)  
 Gamelin, Dame Emelie, and others, (two petitions), vide *Montreal Asylum for Aged and Infirm Women*.  
 Gardiner, A., and others, vide *Education and Schools*.  
 Gardner, Jacob, and others, vide *Wellington District*.  
 Gardner, Thos., and others, vide *Montreal County Fire Insurance Company*.  
 Garner, Alex., and others, vide *Roads and Bridges*, (aid.)  
 Garnsey, Samuel, and others, vide *Talbot District*.  
 Gaulin, Right Rev. Remegius, and others, vide *Education and Schools*.  
 Geddes, J.G., and others, vide *Butt, John*.  
 George, James, vide *Education and Schools*, (Scriptures.)  
 Gibbon, W.H., and others, vide *Licensed Surveyors*.  
 Gifford, Nicholas, and others, vide *Ottawa District*.  
 Gigonell, and others, vide *Elections controverted*, (Terrebonne County.)

Gillespie, James, and others, vide *Roads and Bridges*, (aid.)  
 Ginger, William, vide *Pensions Civil*.  
 Glasford, Paul, and others, vide *Brockville Incorporation*.  
 Glass, H., and others, vide *Intemperance*.  
 Glen, Jacob, and others, vide *Montreal River Road*.  
*Gore Bank*.  
 Gore District, Inhabitants of, vide *Turnpike Trusts*.  
*Gourlay, Robt. F.*  
 Graham, H., and others, vide *Roads and Bridges*, (aid.)  
 Grand River Lands, Inhabitants of, vide *Caledonia Bridge*.  
 Grece, C.C., and others, vide *Grenville Canal*.  
*Grimsby Harbour, President and Directors of*.  
 Gross, Jacob, and D. High, vide *Militia Fines*.  
 Grubb, John, and Thomas Mason, vide *Dundas Street and Humber Road*.

## H

Hailer, Jacob, and others, vide *Wellington District*.  
 Hains, Thos., and others, vide *Court of Requests, Lower Canada*.  
 Hall, Rev. R.V., vide *Education and Schools*.  
 Ham, Benjamin, vide *Elections controverted*, (Lennox and Addington.)  
 Hart, Moses, and others, vide *Three Rivers Bank*.  
 Harvey, Urson, vide *Naturalization*.  
 Healey, Michael, and others, vide *Roads and Bridges*, (aid.)  
 Hendershot, John, and others, vide *Roads and Bridges*, (aid.)  
 Hetherington, John, and others, vide *Imports and Exports*.  
 Holmes [or Holms], Wm., and others, vide *Duties on Imports*.  
 Holt, Geo. J., and others, vide *Inspection Laws*.  
 Home District, Inhabitants of, vide *Dower*.  
 Hoover [or Hover], Daniel, and others, vide *Haldimand County*.  
 Huot, Sister, M.M., vide *St. Hyacinthe Hospital*.  
 Huston, Joseph, and others, vide *Education and Schools*, (aid &c.)

## I

Innisfil, Inhabitants of, vide *Duties on Imports*.

## J

Jarvis, W.B., and others, vide *Toronto Gas Light and Water Company*.  
*Jessop, Henry*.  
*Jobin, André*.  
 Jobin, André, vide *Elections controverted*, (Vaudreuil County.)  
 Johnston, Alex., and others, vide *Roads and Bridges*, (aid.)  
 Jones, David, vide *Roads and Bridges*, (aid.)  
 Justices of the Peace, Home District, vide *Home District Justices*.

## K

Kains, [or Rains], Thomas, and others, vide *Rouge Bridge*.  
 Kalar, John, vide *Unjust Judgment*.  
 Keating, Horace, and others, vide *Holland River*.  
 Keating, J.W., vide *Kent County*.  
 Kelly, Michael, and others, vide *Roads and Bridges*, (aid.)  
 Kelly, Robert Wm., and others, vide *Gaspé County*.  
 Kennedy, James, and others, vide *Education and Schools*, (aid &c.)  
 Kilborn, R. Wm. Henry, vide *Licensed Surveyors*.  
 King, Wm., vide *Education and Schools*, (Scriptures.)  
 Kirby, George P., and others, vide *Jenner, John*.  
 Kornor, George C., and Elizabeth his wife, vide *Divorce*.  
 Kurczyn, Nicholas J.W., vide *Taverns and Tavern Keepers*.

## L

*Lacroix, Pierre*.  
 Lafontaine, Louis H., vide *Elections controverted*, (Terrebonne County.)



Lafontaine, Isidore S., and others, vide *Montreal County Fire Insurance Company*.  
*Lang, Anna*.  
 Langlois, Pierre, and others, vide *Trinity House*.  
*Laroche, F.*  
*L'Assomption College*.  
 LeBoutillier, John, and others, vide *Education and Schools*, (aid &c.)  
 Lebrun, Chs. M., vide *Elections controverted*, (Beauharnois County.)  
 Lee, J., and others, vide *Agricultural Societies*.  
 Leeds County, Inhabitants of, vide *Victoria Macadamized Road*.  
*Leinster County, Freeholders of*.  
*Lelièvre, Siméon*.  
 Lemay, Thos., and others, vide *Montreal County Fire Insurance Company*.  
 Lemoine, Wm., and others, vide *Roads and Bridges*, (aid.)  
 Leppard, Peter, vide *Home District Riots*.  
 Leslie, James, vide *Elections controverted*, (Montreal County.)  
 Leslie, W., and others, vide *Education and Schools*, (Scriptures.)  
 Lewis, Alexander, vide *Roads and Bridges*, (aid.)  
 Lewis, J.S., and others, vide *Elections controverted*, (Beauharnois County.)  
 Light, Wiilliam, and others, vide *Roads and Bridges*, (aid.)  
 Lister, John, and Bowman & Co., vide *Robbery of the Mail*.  
 Logie, Wm., and others, vide *Education and Schools*.  
 Loucks, Richard, vide *Education and Schools*, (Scriptures.)  
 Lower Canada — Divers Inhabitants of, vide *Ordinances of Special Council*.  
 Lussier, Felix, vide *Montreal County Fire Insurance Company*.  
 Lyman, Lewis, and others, vide *St. Lawrence Improvement*.  
 Lyman, Lewis, vide *Naturalization*.

## M

*McCarty, Michael*.  
 McCrae, Wm., and others, vide *Tecumseth Road*.  
*McCrea, Maria*.  
 McDonald, Arch'd., and others, vide *Bytown Turnpike*.  
 McDonald, Duncan, vide *Stormont Assessment*.  
 McDonald, J., and others, vide *Gananoque Bridge*.  
 McDonald, John, and others, vide *Education and Schools*, (Scriptures.)  
 McDonald, John, and others, vide *Feudal Tenure*.  
 McDonald, Neil, and others, vide *Education and Schools*, (aid &c.)  
 McDonell, Arch'd., and others, vide *Highways*.  
*McDonnell, Allan*.  
 McGillivray, M., and others, vide *Presbyterian Congregation, Lochiel*.  
 McGilvray, Hector, and others, vide *Orange Societies*.  
 Machar, Rev. J., and Elders, vide *Education and Schools*, (Scriptures.)  
 McIntee, Rebecca, vide *Militia Pensions*.  
 McKay, F., and others, vide *Dalhousie District*.  
 McKenzie, R., and others, vide *Montreal Fire Insurance Company*.  
*McKenzie, Simon, and others*.  
 McLelland, W., and others, vide *Welland Canal*.  
 McLeod, Norman, and others, vide *Cross Point Road*.  
 McMartin, Alex., and others, vide *Roads and Bridges*, (aid.)  
 McMorine, Rev. Jas., and others, vide *Education and Schools*, (Scriptures.)  
 MacNab, John, and Angus MacNab, vide *Madawaska Bridge*.  
 McPherson, Chs., and others, vide *Beaudette River Road*.  
 McPherson, Crane & Co., vide *Pilots*.  
 Maitland, James, and others, vide *Roads and Bridges*, (aid.)  
 Malcolmson, Alex., and others, vide *Education and Schools*, (aid &c.)  
 Maning, Rev. J., and others, vide *Education and Schools*, (Scriptures.)  
 Mann, Alex., and others, vide *Education and Schools*, (Scriptures.)  
 Mann, Rev. Alex., vide *Education and Schools*, (Scriptures.)  
 Masson, J., and others, vide *Toronto Gas Light and Water Company*.  
 Masters and Owners of British Ships, and others, of Trinity House, vide *Trinity House*.  
 Masters of Ships and Pilots, vide *Island of Bicquet*.  
 Mathewson, Jas., vide *Elections controverted*, (Frontenac County.)

- Mauseau, A., and H. Hudon, vide *Education and Schools*.  
 May, James, and others, vide *Roads and Bridges*, (aid.)  
 Meagher, Jos., and others, vide *Education and Schools*, (aid &c.)  
 Medical Board, District of Montreal, vide *Medical School*.  
 Medical Faculty, McGill College, vide *Medical School*.  
 Melbourne, Clergy of, and others, vide *Education and Schools*, (Scriptures.)  
 Melville, Robert, and John McBride, vide *Elections controverted*, (Niagara Town.)  
 Menonists and Tunkers, vide *Militia Fines*.  
 Mercer [or Merser], Jas., and others, vide *Talbot District*.  
 Midcalf, John, vide *Claims for Losses*.  
 Mignault, J.E., and others, vide *Montreal Fire Insurance Company*.  
 Mignault, Rev. P.M., and others, vide *Richelieu River Navigation*.  
 Milburn, Joseph.  
 Millar, Andrew, vide *Hamilton Harbor and Dry Dock*.  
 Millar, James, and others, vide *Education and Schools*, (aid &c.)  
 Millar, William, and others, vide *Roads and Bridges*, (aid.)  
 Miller [or Millar], John, and others, vide *Education and Schools*, (aid &c.)  
 Milliette, Jean B., vide *Montreal, Roads in Vicinity*.  
 Mills, John E., and others, vide *Montreal American Free School*.  
 Monro, George, Mayor of Toronto, vide *Toronto City Riots*.  
 Montgomery, J., and others, vide *Roads and Bridges*, (aid.)  
*Montreal Asylum for Aged and Infirm Women*.  
 ——— *Bank*.  
 ——— *Bible Society*.  
 ——— *City Bank*.  
 ——— *Corporation*.  
 ——— *Ladies Benevolent Institution*.  
 ——— Natural Historical Society, vide *Geological Survey*.  
 ——— Parish, Clergy and Members of Church of England, vide *Education and Schools*, (Scriptures.)  
 ——— *Roman Catholic Orphan Asylum*.  
 [Vide also *supra* : Bishop of Montreal ; Board of Trade Montreal.]  
 Moodie, J.J.S.D., and others, vide *Secret Societies*.  
 Moore, W., vide *Beef and Pork Inspection*.  
 Morgan, Chs. H., and others, vide *Cobourg and Rice Lake Road*.  
 Morgan, Cyprian, vide *Naturalization*.  
 Morin, Félicité, vide *Claims for Losses*.  
 Morris, Alex., and others, vide *Bankrupt Laws*.  
 Moulton, John Clough, vide *Naturalization*.  
 Mousseau [or Mosseau], Louis, and others, vide *Bayonne River Bridge*.  
 Muir, Rev. Wm., and others, vide *Education and Schools*, (aid &c.)  
 Muir, Rev. Wm., and others, vide *Education and Schools*, (Scriptures.)  
 Murphy, A., and others, vide *Duties on Imports*.  
 Murray, J., and others, vide *Secret Societies*.  
 Murray, M., and others, vide *Cross Point Road*.

## N

- Nadeau, Françoise, vide *Claims for Losses*.  
 Nelles, Warner, and others, vide *Haldimand County*.  
 New, William.  
 Nichols, George.  
 Norreau, James [or Louis].  
*North American Colonial Association of Ireland*.

## O

- Oakland, Inhabitants of, vide *Talbot Settlement*.  
 O'Brien, Edward, and others, vide *Simcoe District*.  
 O'Carroll, John [or Carroll, J.O.], vide *Claims for Losses*.  
 Odell, Lewis, and others, vide *Feudal Tenure*.  
 Odell, Loop, and others, vide *Claims for Losses*.

O'Donnell, Edward, and others, vide *Ballot*.  
 Oswald, Jas., vide *Naturalization*.  
 Oswald, Thos., vide *Naturalization*.

## P

Paisley, Rev. Hugh, and others, vide *Roads and Bridges*, (aid.)  
 Palmer, Arthur, and others, vide *Education and Schools*, (Scriptures.)  
*Parent, E.*  
 Paris, John, and others, vide *Education and Schools*, (Scriptures.)  
 Parish, John, and others, vide *Yonge Township*.  
 Parker, T., and others, vide *Elections controverted*, (Hastings County.)  
*Patrick, Alfred.*  
*Patton, Andrew.*  
 Patton, Duncan, and others, vide *Lumber Trade*.  
 Phillips, J.B., and others, vide *Roads and Bridges*, (aid.)  
*Phillips, Rev. Thos.*  
*Pinguet, Louis B.*  
 Portneuf County, divers Inhabitants of, vide *Ordinances of Special Council*.  
 Portt, John, and others, vide *Roads and Bridges*, (aid.)  
 Prentiss, Thos. B., and others, *Roads and Bridges*, (aid.)  
 Presbyterian Congregation, South Gower, vide *Education and Schools*, (Scriptures.)  
 Pruyn, Amb., vide *Naturalization*.

## Q

Quackinbush, Daniel, vide *Naturalization*.  
*Quebec Bank.*  
 ——— Catholic Bishop, vide *Education and Schools*.  
 ——— Corporation.  
 ——— Literary and Historical Society, vide *Geological Survey*.  
 ——— *Male Orphan Asylum*.  
 ——— *National Schools*.  
 ——— *Protestant Female Orphan Asylum*.  
 Quinlan, James, and others, vide *Churches*.

## R

Rae, J., and others, vide *Education and Schools*, (aid &c.)  
 Rains [or Kains], Thomas, and others, vide *Rouge Bridge*.  
 Read, James, and others, vide *Roads and Bridges*, (aid.)  
 Reid, Alex., and others, vide *Sherbrooke and Richelieu Rail Road*.  
*Reid John, and Robert Shepherd [or Shepperd]*.  
 Renwick, Thos., and others, vide *Tobacco Duty*.  
*Richardson, Ann.*  
 Ridout, Geo. P., vide *Bankrupt Laws ; Currency ; Inspection Laws ; Lumber Trade ; Usury*.  
 Ristigouche, Inhabitants of, vide *Bonaventure County*.  
 Ritchie, Andrew, and others, vide *Wellington District*.  
 Rivière-du-Loup, clergy of, Church of England, vide *Education and Schools*, (Scriptures.)  
 Roach, Rev. Walter, and others, vide *Education and Schools*, (Scriptures.)  
 Robinson, H., and others, vide *Roads and Bridges*, (aid.)  
 Robinson, H., and others, vide *Sherbrooke and Stanstead Fire Insurance Company*.  
 Robinson, William, and others, vide *Roads and Bridges*, (aid.)  
 Roblin, David, and others, vide *Elections controverted*, (Lennox and Addington.)  
*Rourke, Matthew.*  
 Rouville County, divers Electors, vide *Elections controverted*.  
 Row, Peter, vide *Claims for Losses*.  
*Rowlands, Samuel.*  
 Ruttan, C.S., and others, vide *Roads and Bridges*, (aid.)  
 Ryerson, Rev. Wm., vide *Victoria College*.  
 Rykert, Geo., and others, vide *Niagara District Bank*.



## S

- Saguenay Company, Inhabitants of, vide *Hudson Bay Company Lands*.  
 St. Armand, West Clergy, &c., vide *Education and Schools*, (Scriptures.)  
 St. Eustache, Inhabitants of, vide *Claims for Losses*.  
 St. Maurice County, Electors of, vide *Elections controverted*.  
 Sandilands, J., and others, vide *Arthur and Sydenham Townships*.  
 Schofield, Ira, vide *Roads and Bridges*, (aid.)  
 Scovie, Hugh [or Stephen], and others, vide *Yonge Township*.  
*Secord, David*.  
*Sharrard, Jas. W., and Thos. Henry*.  
 Shorts [or Sharts], Rev. W., vide *Naturalization*.  
*Shefford Academy, President and Directors of*.  
*Sherbrooke Academy, Trustees of*.  
 Sherwood, Henry, vide *Elections controverted*, (Toronto City.)  
 Shoobred, Inhabitants of, vide *Bonaventure County*.  
 Sixsmith, John, vide *Naturalization*.  
 Smart, Wm., and others, vide *Education and Schools*.  
 Smith, Benjamin P., vide *Naturalization*.  
 Smith, Bernard, and others, vide *Durham Township*.  
 Smith, Henry, vide *Provincial Penitentiary*.  
*Smyth, Charles*.  
*Smyth, John*.  
*Snider, Jacob and others*.  
 Society of Education, Three Rivers, vide *Education and Schools*, (aid &c.)  
 Southwick, M.B., and others, vide *Education and Schools*, (aid &c.)  
 Stanstead Seminary, vide *Education and Schools*, (aid &c.)  
 Starke, N., and others, vide *Roads and Bridges*, (aid.)  
 Stewart [or Stuart], Allan, and others, vide *McNab Township*.  
 Stinson, Elam, and others, vide *Gore and Brock District's Roads*.  
 Stock [or Stocks], James, and others, vide *Roads and Bridges*, (aid.)  
*Stott, Daniel, and others*.  
 Stuart, Very Rev. Archdeacon, vide *Stipendiary Magistracy*.  
 Stull, Adam, and P. Lampman, vide *Militia Pensions*.

## T

- Tailhades, Jacques*.  
*Tait, Charles and others*.  
 Talfourde, Froome, and others, vide *Kent County*.  
 Tanner, Wm., and others, vide *Manchester District*.  
 Taschereau, P.E., vide *Municipal Districts, Lower Canada*.  
 Taylor, Thomas, vide *Naturalization*.  
 Taylor, Wm., and others, vide *Kent Turnpike*.  
 Thompson, Hon. J.G., vide *Education and Schools*, (aid &c.)  
 Thorne, Benjamin, and others, vide *Turnpike Trusts*.  
 Timins, Andrew, and others, vide *Education and Schools*, (aid &c.)  
*Todd, Alfred, and Thaddeus Patrick*.  
*Todd, Alfred, and others*.  
*Todd, Alpheus*, (two petitions.)  
*Toronto and Huron Rail Road Company*.  
 Toronto Corporation, vide *Home District Justices*; *Toronto Gas Light and Water Company*, (two petitions.)  
 [Vide also *supra*: Bishop of Toronto; Board of Trade Toronto.]  
 Torrance, Rev. John, and others, vide *Education and Schools*, (Scriptures.)  
 Townsend, M., and others, vide *Roads and Bridges*, (aid.)  
 Traxlar, Michl. M., vide *Boundary Line Commissioners*.  
 Treadwell, C.P., and others, vide *Education and Schools*, (Scriptures.)  
 Troup, H., and others, vide *Roads and Bridges*, (aid.)  
 Trout, Henry, and others, vide *Roads and Bridges*, (aid.)  
*Turcotte, J.E., Esq.*  
 Tyler, Emery O., vide *Naturalization*.  
*Turner, R.J.*

U

*Upper Canada Bank*, (three petitions.)  
Urquhart, Rev. H., and Elders, vide *Education and Schools*, (Scriptures.)

V

Vansittart, Rear Adml., and others, vide *Woodstock Mechanics Institute*.  
Vaudreuil, County Electors of, vide *Elections controverted*.  
Verhoeff, G. Frederick, vide *Naturalization*.  
Vidal, Richd. E., vide *Sarnia Canal*.  
Viger, Louis M., vide *Elections controverted*, (Chambly County.)  
Vosburgh, Abraham P., and Ann, vide *Claims for Losses*.  
Voyer, Jacques, vide *Pensions, Civil*.

W

Wagner, Charles, and others, vide *Pilots*.  
*Wait, Norval*.  
Walker, William, and others, vide *Quebec Board of Trade*.  
Walker, Wm. (two petitions), vide *Lumber Trade*.  
Wallace, Wm., and others, vide *Roads and Bridges*, (aid.)  
Warren, John B., and others, vide *Annis' Creek*.  
*Weeks, Henry*.  
*Weilbreuner [or Weilbrenner], P.A.*  
Wells, Alphonse, vide *Elections controverted*, (Shefford County.)  
*West, Amos*.  
Wetherall, J.C., and others, vide *Montreal County Fire Insurance Company*.  
Wheeler, W., vide *Claims for Losses*.  
*White, Reuben*.  
Whitehead, J., and others, vide *Duties on Imports*.  
Whitehead, M.F., and others, vide *Port Hope Mechanics Institute*.  
Wilgress, G.P., and others, vide *Toll Exemption*.  
Wilkes, J.A., and others, vide *Haldimand County*.  
Wilkes, J.A., and others, vide *Indian Tracts*.  
Williams, Charles, vide *Naturalization*.  
Williams, Israel, vide *Naturalization*.  
*Wing, Ichabod*.  
Woods, Jos., vide *Elections controverted*, (Kent County.)  
Woolsey, John Wm., vide *Pardon*.  
Woolsey, John Wm., vide *Quebec Disfranchisement*.

Y

Young, Alexander, vide *Feudal Tenure*.  
Young, Alexander, and others, vide *Feudal Tenure*.  
Young, James, and others, vide *Education and Schools*, (aid &c.)  
Young, William, vide *Education and Schools*, (aid &c.)  
Youngs, Guy H., vide *Court of Requests, Upper Canada*.

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PHILIPS, REV. THOMAS — Petition of, for an allowance of £100 per Annum as late Chaplain to the late Upper Canada Legislature, (364) **611**, (387) **639**.

PHYSIC OR SURGERY PRACTICE — BILL to enable persons authorised to practise Physic or Surgery in Upper or Lower Canada, to practise in the Province of Canada, presented and read, (280) **492**. Second time, (320) **562**. Passed, (324) **566**. By the Council, (501) **828**. Royal Assent, (641) **1015**. — 4th & 5th Vic., Cap. 41.

PILOTS — Vide *Trinity House*.

——— Petition of Charles Wagner and others, apprentice Pilots, for license to Act as Pilots on the River St. Lawrence, (365) **611**, (388) **640**. — Petition of McPherson, Crane & Co. for a censorship on the fitness of Pilots acting between the Cedars and the foot of Cascades, (365) **611**, (388) **640**. Latter Petition referred, (388) **640**. — Vide *Agriculture and Commerce*.

- PINGUET, LOUIS B. — Petition of, for relief, being incapacitated to perform his duty as a Committee Clerk of the Legislative Assembly, (84) **156**. Referred to Committee on *Officers and Departments of the House*, (85) **156**. Resolution for Pension, (608) **974**.
- POINTE AU BEAUDET — Vide *Coteau du Lac Rail Road*.
- POLICE FORCE, LOWER CANADA — Return to Address (21.) Presented, (352) **595**. To be printed, (411) **667**.
- POLITICAL OFFENCES — Vide *Pardon ; Canadian Prisoners*.
- POPULATION RETURNS, UPPER CANADA — Presented, (294) **516**.
- PORT DOVER HARBOUR — BILL to extend the time for the completion of said Harbour, presented and read, (496) **821**. Second reading, (525) **860**. Passed, (541) **890**. By the Council, (585) **948**. Royal Assent, (642) **1016**. — 4th & 5th Vic., Cap. 77.
- PORT HOPE HARBOUR — Vide *Addresses, (20.) ; Harbours*.
- PORT HOPE MECHANICS INSTITUTE — Petition of M.F. Whitehead and others for aid, (211) **367**, (227) **393**.
- PORT OF MONTREAL — Vide *Light Houses*.
- PORT OF PHILLIPSBURG — Vide *Supply, (Resolutions.)*
- PORTNEUF COUNTY — Vide *Elections controverted*.
- PORTS OF QUEBEC AND MONTREAL — Petition of Board of Trade of Montreal, that the Ordinance 2nd Vic., Cap. 19., fixing their limits, may not be repealed, (298) **527**, (303) **540**.
- POSSESSION — Vide *Law of Possession*.
- POSTAGE — Vide *Contingencies of the House*.
- POST OFFICE DEPARTMENT — Vide *Addresses, (40.) ; Questions negatived*.
- POT AND PEARL ASHES INSPECTION — Notice of Bill respecting, **209**.  
 ——— BILL to regulate the Inspection of Pot and Pearl Ashes, presented and read, (411) **667**. Committed, (464) **742**.
- PRESBYTERIAN CONGREGATION, LOCHIEL — Petition of Malcolm McGillivray, and others, Trustees of said congregation, to enable them to make conveyance of a certain lot of Land, (402) **656**, (417) **675**. Referred, (417) **676**. BILL reported and read, (431) **692**. Second time, (463) **741**. Passed, (465) **761**. By the Council, (502) **829**. Royal Assent, (641) **1014**. — 4th & 5th Vic., Cap. 87.
- PRINTING — Vide *Journals ; Questions negatived*.  
 ——— Motion respecting, withdrawn, **83**, **239**. Notice of Motion respecting, **197**.  
 ——— Matters ordered to be printed, (9) **17**, (11) **19**, (21) **33**, (49) **81**, (78) **142**, (93) **166**, (99) **179**, (137) **237**, (180) **313**, (181) **313**, (182) **316**, (190) **326**, (210) **359**, (228) **393**, (300) **529**, (307) **543**, (367) **613**, (399) **651**, (406) **660**, (411) **667**, (427) **687**, (431) **691**, (437) **703**, (460) **738**, (462) **741**, (483) **793**, (494) **818**, (512) **840**, (513) **840**, (521) **852**, (last rescinded, (523) **858**), (553) **902**, (589) **952**, (615) **984**, (637) **1010**.  
 ——— Motion respecting appointment of Committee on Printing, withdrawn, **50**. Committee appointed to superintend the Printing during the present Session, (34) **52**. First Report ; agreed to, (74) **138**. Second Report, (99) **177**. Committed ; Considered, (112) **195**. Motion to revive order of the day on said Committee, **224**. Further consideration discharged, and the Report referred back to the Select Committee, (133) **228-230**, **239-240**. Reported as Third Report, (262) **463**. Committed ; Considered, (262) **463**. Resolutions reported and agreed to, (272) **480**.  
 ——— Motion for supplying copies of Bills to printers, withdrawn, **474**.
- PRINTING ORDINANCES AND REVISED STATUTES — Vide *Supply, (Resolutions.)*



PRIVATE BILLS — Vide *Bills, Public and Private*.

PRIVILEGE — Rules respecting Matters of, (47) 79.

—— Committee of, appointed, (232) 403.

PROFESSION OF THE LAW — Select Committee appointed to consider the best means of putting the profession of the Law in all its branches, upon the same footing in both sections of this Province, and for providing reciprocal privileges for the profession in either section, (432) 692.

PROROGATION OF PROVINCIAL LEGISLATURE — Letter to Mr. Speaker, announcing His Excellency's intention to prorogue the Provincial Legislature, on Wednesday the 15th September, (537) 880. Notice of Address for dissolution instead of prorogation, 936. Address (56.) for extension of time, (579) 940. Answer by Message, (598) 962. — Vide *Governor General ; Messages*, (35.)

PROTECTING DUTIES — Vide *Duties on Imports*.

PROVINCIAL PENITENTIARY — Annual Report of, for 1840, presented, (208) 352. — Vide *Supply*, (Resolutions.)

—— Select Committee appointed to consider the Affairs and Management of the Provincial Penitentiary of Upper Canada ; and the extension of its operations to the Province of Canada, (203) 346. Report and Bill, (468) 764. BILL to render the Penitentiary near Kingston the Provincial Penitentiary for Canada, read, (468) 764. Second reading, (475) 780. Ryder proposed, *negatived* ; Passed, (492) 816. By the Council, (540) 884. Royal Assent, (642) 1015. — 4th & 5th Vic., Cap. 69.

—— Petition of Henry Smith, Warden of said Penitentiary, praying relief for certain expenses sustained and duties performed by him, (472), 777, (486) 803.

PUBLIC ACCOUNTS — Vide *Accounts, Public*.

PUBLIC BILLS — Vide *Bills, Public and Private*.

PUBLIC BUILDINGS — Repairs of — Vide *Supply*, (Resolutions.)

PUBLIC IMPROVEMENTS — Vide *Supply*.

—— Message of the Governor General on the subject of the Public Improvements of the Province, with Documents, presented, (396) 648. — To be printed ; House resolves to go into Committee thereon, (399) 651. Considered, (414) 670-671, (432) 693-699, (464) 742-759. Resolution reported and agreed to, (464) 759. (Bank of Issue) ; again considered, (471) 767-775, (476) 780-784, (484) 794-799, (490) 812-813. Ten Resolutions Reported, (499) 825. Report re-committed, (501) 826-827. Considered, (501) 827-828. An additional Resolution Reported, (515) 842. The first of the Ten Resolutions (To raise by Loan £1,500,000, Sterling) moved for concurrence ; Motion, to re-commit the Report, with an instruction to amend the same, so as to avoid any responsibility on the part of the Representatives of the People of the late Province of Lower Canada, (515) 843-844. Question on the motion, *negatived*, (516) 844. First Resolution agreed to ; Second Resolution (alteration of Customs duties) agreed to ; Third Resolution (certain Public Works to be under the superintendence of the Board of Works, Class One) agreed to on division ; Fourth Resolution (One per cent on Bank's circulation) read ; Amendments proposed and *negatived* on division, (516) 845, (517) 845-846. Resolution agreed to ; Fifth and Sixth Resolutions (Tax on Distilleries, and on Sales at Auctions) agreed to ; Seventh, Eighth and Ninth Resolutions (Class Two ; for Bridges between Québec and Montréal ; and improvement of navigation of Lake St. Peter) agreed to, (517) 846. The Tenth Resolution (Improvement of St. Lawrence) agreed to on division, (517) 847. The Eleventh Resolution (£109,355 to complete certain Roads,) *negatived* by casting vote of the Speaker, (518) 847-848. *Infra*. — Vide *Bank Notes Duty ; Customs Duties ; Distilleries ; Loan in England ; Sales by Auction*.

—— Subject referred : — Report of Select Committee on Petition of Board of Trade Montréal, for improving the Channel of Lake St. Peter, (431) 691. Second Report of Committee on *Agriculture and Commerce*, (431) 691. (Latter reference discharged, (591) 955.) Petition of Lewis Lyman, Commissioner &c., (435) 702.

—— House resolves to go into Committee on Messages (22, 33.) — Relating to Hamilton and Port Dover Road, and the Military Road in the Eastern District ; Considered, (568)

**922-925.** Two Resolutions reported and agreed to, (583) **945.** Referred to Committee of whole on the Bill for Public Improvements, (584) **946.** *Infra.*

——— Question respecting Application for money, **40.**

——— BILL to appropriate certain sums of money for Public Improvements in this Province, presented and read, (518) **849.** Committed, (525) **860.** Resolutions in favor of Hamilton and Port Dover Road; and of the Military Road in the Eastern District, Committed on the Bill, (584) **946.** Bill considered; Reported, (610) **977.** Passed, (614) **984.** By the Council, (632) **1002.** Royal Assent, (644) **1018.** — 4th & 5th Vic., Cap. 28.

PUBLIC LANDS — Vide *Lands, Public.*

PUBLIC WORKS — Vide *Board of Works; Public Improvements.*

## Q

QUALIFICATIONS OF CANDIDATES AT ELECTIONS — Vide *Elections, (Bill.)*

QUEBEC AND MONTREAL BRIDGES — Vide *Public Improvements, Bill; Supply, (Resolutions.)*

QUEBEC BANK — Statement of its affairs, (133) **227.**

——— Petition of, for an extension of its charter, (133) **227,** (164) **279.** Referred, (165) **279.** — Vide *Upper Canada Bank.*

——— BILL to extend its charter, presented and read, (432) **692.** Committed, (489) **811.** Considered; Reported, (577) **935.** Passed, (588) **951.** By the Council with amendments, (610) **977.** Considered, (610) **977.** Agreed to, (611) **978.** Reserved for Her Majesty's Pleasure, (643) **1017.**

QUEBEC BOARD OF TRADE — Petition of William Walker and others for an Act of Incorporation, (403) **656,** (417) **676.**

——— BILL to Incorporate said Board, presented and read, (413) **669.** Committed, (455) **728.** Considered; Reported, (613) **981.** Re-committed; Considered; Reported; Passed, (618) **987.** By the Council, (632) **1002.** Reserved for Her Majesty's Pleasure, (644) **1017.**

QUEBEC CORPORATION — Petition of, that the Inhabitants of the city may be represented in the City Council by election, (127) **217,** (163) **277.** Referred, (166) **280.** *Infra.*

——— House resolves to go into Committee to consider two ordinances relating to the Corporation of Quebec, (166) **280.** Petition of the Corporation of Quebec referred to said Committee, (166) **280.** Considered; Resolution reported; Agreed to, and referred, (238) **415.** BILL to amend certain ordinances therein mentioned relative to the Incorporation of the City of Quebec, reported and read, (400) **652.** Committed, (428) **687.** Considered, (521) **853.** Reported, (522) **853.** Passed, (530) **872.**

QUEBEC DISFRANCHISEMENT — Notice of Motion respecting following Petition, **209.** Petition of John W. Woolsey and others, complaining of the disfranchisement of the largest portion of the electors, (113) **199,** (129) **220.** Referred, (130) **220.** Report, to be printed, (589) **952.**

QUEBEC LITERARY AND HISTORICAL SOCIETY — Petition of, for aid to said Society, (298) **527,** (304) **540.**

QUEBEC MALE ORPHAN ASYLUM — Petition of, for aid, (211) **367,** (227) **393.** — Vide *Supply, (Resolutions.)*

QUEBEC NATIONAL SCHOOLS — Petition of Committee of management for aid, (298) **527,** (304) **540.**

QUEBEC PROTESTANT FEMALE ORPHAN ASYLUM — Petition of, for continuance of aid, (163) **277,** (175) **307.** — Vide *Supply, (Resolutions.)*

QUÉBEC, ROADS IN VICINITY — Petition of James Black and others, to extend an Ordinance of the Special Council, relative to said roads, (324) **566,** (340) **583.** Referred, (368) **615.** *Infra.*

——— House resolves to go into Committee to consider the Ordinance of Lower Canada, 4th Vic., respecting a certain road on the north side of the River St. Charles, (368) **615.**

Petition of James Black and others, referred, (368) **615**. Considered, (422) **681**. Resolution reported and agreed to, (423) **681**. BILL to extend the provisions of an Ordinance therein mentioned to a certain road on the north side of the River St. Charles, in the District of Quebec, presented and read, (423) **682**. Second time, (455) **728**. Passed, (460) **738**. By the Council, (490) **812**. Royal Assent, (641) **1014**. — 4th & 5th Vic., Cap. 72.

QUEBEC ROMAN CATHOLIC ORPHAN ASYLUM — Vide *Supply*, (Resolutions.)

QUEEN — Vide *Addresses to*; *Petitions*.

QUEEN'S BENCH — Vide *Court of Queen's Bench*.

QUEEN'S HIGHWAY — Vide *Winter Roads*.

QUEENSTON AND GRIMSBY MACADAMIZED ROAD — Petition of Geo. Adams and others, for aid, (211) **367**, (227) **393**.

—— Petition of Richard Boyle and others, to be remunerated for certain expenses incurred as contractors, (102) **186**, (129) **219**.

# QUESTIONS NEGATED :

—— That a Committee be appointed to consider the return made by the Returning Officer to the writ of election for the County of Kent, (37) **55**.

—— To expunge the 71st of the Rules and Regulations, (48) **80**.

—— On amendments to the Address in answer to His Excellency's Speech at the opening of the Session, (65) **117**, **120**.

—— That the Clerk subscribe for 500 Copies of the "Mirror of Parliament", (72) **131-132**. — That the said Paper is no longer required, (209) **354**.

—— To add a member to the Committee on the Gaspé Notary Bill, (95) **168**.

—— For a Committee of whole on repealing the Act of Upper Canada, 6th Will. 4, Cap. 27, (99) **180**.

—— On an amendment to a motion to adjourn the House to a particular hour, (102) **184**.

—— On amendments to Bill for relief of R.J. Turner; and on passing the Bill in six months, (120) **208**, (128) **218**.

—— On calling up the orders of the day, (131) **222**, (480) **790**, (591) **955-956**.

—— On receiving report of Select Committee on Gaspé Fishery Bill, (133) **228**.

—— On concurring with report of Committee of whole on report of Select Committee on Newspapers, (134) **230**.

—— To dispense with the 71st Rule of the House, on "Sydenham Mountain Road" Bill, (137) **237**.

—— To call the House, (148) **259-260**.

—— To rescind a Resolution of the House, disabling a Member already upon an Election Committee from serving upon another until the first Committee has reported, (153) **266**.

—— To print 1,200 instead of 500 copies of the Municipal Authorities (Upper Canada) Bill, (182) **316**.

—— For Mr. Speaker to issue summons for the appearance of the Returning Officer for the County of St. Maurice, (190) **325**.

—— To postpone consideration upon Resolutions on subject of Warehousing goods, (192) **329**.

—— For second reading of Bill, to prevent failure of Justice in relation to certain late Elections in Lower Canada, in three months, (195) **333-337**.

—— To appoint a Committee of the whole House on the subject of said Elections, (198) **339-340**, (199) **342**. — To appoint a Committee of Privileges on the same, (200) **343**.

—— To adjourn, (198) **339-340**.

—— For a writ to be issued for County of Hastings in room of Robert Baldwin, Esq., who hath accepted Office, (212) **368-369**.

—— For a Commission to examine Witnesses in case of the Controverted Election for the County of Hastings, (223) **385**.



- An Amendment to motion for referring Message of Legislative Council, respecting the evidence upon which the Bill to prevent failure of Justice &c. was founded, (225) **387-390**.
- To commit the Bill for relief of disabled and infirm poor, (231) **396-397**.
- To strike out "by Bill or otherwise" on referring Resolutions of Committee of whole on the subject of Feudal Tenure, (247) **442**.
- To add a Ryder to the Board of Works Bill, (250) **446-447**. To re-commit said Bill, (250) **447**.
- To defer the consideration of the Amendments of Legislative Council to the Emigration Bill, and adopt certain Resolutions, (251) **447-451**. To re-commit said Bill, (252) **451**. To consider amendments of the Council to the Bill on 4th July next, (419) **678**.
- To discharge the Order of the third reading of the Court of Requests Bill of Upper Canada, and to adopt certain Resolutions, (275) **484-488**.
- On leave for Committee of whole on Mill-dams damages' Bill to sit again, (289) **509**. To refer said Bill to Select Committee in three months, (289) **510**.
- To refer the Petition of the Rev. R.V. Hall and others to a Select Committee, (292) **513-514**.
- To commit the Bill respecting Winter roads, (306) **542**. To add a Ryder to said Bill, (310) **549**.
- To read Tavern License repeal Bill in three months, (309) **548-549**.
- To commit the Report on Petition of Ichabod Wing, (336) **578**.
- Various motions in relation to the consideration of the Petition against the return of Joseph E. Turcotte, Esq. — Vide *Elections controverted*, (St. Maurice.)
- To appoint Select Committee to enquire into the Deputy Post Master General's Department, (363) **607**.
- Various amendments to Municipal Corporation Bill of Upper Canada, (372-380) **618-627**. For Third reading in six months, (382) **629-634**. To discharge order for third reading, (384) **635-636**.
- To discharge a Member from Select Committee and appoint another, (400) **653**.
- To discharge Order of the day for committal of Lumber Inspection Bill, and to refer it to a Select Committee, (404) **658**.
- On amendment to motion for suspension of the first rule of the House, (411) **667**.
- Ryders to Public Lands Sale Bill, (416) **674-675**.
- To commit the Petition of William Ryerson and others relating to aid to Upper Canada Academy, (421) **679-680**.
- To concur in the 19th amendment of Committee of whole on Bill, for freedom of Elections (unanimously); To add a proviso to the 34th clause of said Bill "provided always that nothing in this clause shall be held to extend to the national flag," (421) **680-681**. Also to expunge the 34th clause, (422) **681**.
- For Address to His Excellency for copies of all documents between the Imperial and Provincial Governments on the Union of the Provinces of Lower and Upper Canada, (437) **704**.
- For Petitioners in the case of the Niagara contested Election to hand in a new list of Witnesses, (458) **735**.
- To print the votes and proceedings of the House daily, (474) **779**.
- To postpone the consideration of the Resolutions moved on Responsible Government, (480) **790**. And certain other Resolutions proposed, (481) **791**, (482) **792**.
- Ryder to Provincial Penitentiary Bill to allow the Warden the use of Servants from among the Convicts, (492) **816**.
- To re-commit Candidates at Elections Declaration Bill, (509) **836-837**. To postpone the consideration thereof for three months, (509) **837**.
- Certain amendments to the Resolutions of Committee of whole on Public Improvements, (515) **843-845**, (516) **845-846**, (517) **846**.
- The eleventh Resolution of Committee of whole on Public Improvements (£109,355 to complete certain Roads,) (518) **848**.

- That it is the undoubted right of the Assembly to grant all aids and supplies to Her Majesty as well for the support of the Civil Government of the Province as for all other purposes whatsoever, (519) **850-851**.
- To amend an amendment of Legislative Council to Census Bill, (536) **878**.
- To consider the Report of a Select Committee of the late Upper Canada Assembly in favor of Anthony Manahan, Esquire, (553) **901**.
- That no new matter or thing be entertained by the House the remainder of the Session except it be sent from the Council, (568) **925**.
- To re-commit the Loan Bill, that it be amended by omitting any acknowledgement on the part of the Assembly of late Province of Lower Canada, of any portion of the Public Debt without their consent, (569) **926**.
- To re-commit the Bank Notes duty Bill to amend it, (570) **927**.
- To re-commit the Distilleries duty Bill to amend it, (571) **928-929**.
- To re-commit the Sales by Auction duty Bill to amend it, (572) **929-930**.
- Clause (B) to the Gore Bank Bill, (582) **944**.
- For an Address to dissolve the present Parliament, (590) **954-955**.
- For re-committal and postponement of the consideration of the Customs duties Bill, (593) **957**.
- To strike out the 16th clause of the Common School Bill; To print the said Bill, (594) **958**.
- For Address to His Excellency to cause a Map of Canada to be compiled, (601) **967**.
- To amend the Bill for sessional payment of Members, (609) **976**.
- That the person appointed to carry out the Provisions of the Loan Bill, be permanently resident in the Province, &c., (620) **989-990**.

QUORUM — Vide *Legislative Assembly*; *Committees of whole*; *Committees, Select*.

## R

- REAL ESTATE — Petition from Board of Trade Montréal, respecting Mortgages on Real Estate, (171) **289**, (184) **320**. — Vide *Sellers of Real Estate*.
- REBELLION EXILES — Question respecting Political Amnesty for, **287**, **340-341**.
- REBELLION, LOWER CANADA — Vide *Addresses*, (43.); *Canadian Prisoners*; *Claims for Losses*; *Pardon*.
- RECOGNIZANCES — Vide *Elections controverted*; *Speaker*.
- REGISTRY LAWS — Petition of Noah Freer and others of Québec, on the subject of the Registry Laws, (163) **277**, (175) **307**.
- OF UPPER CANADA — Notice of Motion respecting, **39**.
- REID, JOHN, AND ROBERT SHEPHERD [OR SHEPPERD] — Petition of, to be paid the amount of their contracts on the St. Lawrence Canal, (242) **429**, (259) **460**. Referred, (260) **461**.
- RELIGIOUS SOCIETIES LAND — BILL to enable all Religious Societies to hold Lands for certain purposes, presented and read, (166) **280**. Committed, (205) **348**. Considered; Reported, (214) **373**. Passed, (226) **391**. By the Council with amendments, (346) **588**. Considered, (368) **615**. Referred to Select Committee, (370) **617**. Reported; Committed, (468) **764**. Considered; — No Report, (632) **1003**.
- REPORTERS — Notice of Motion respecting, **50**. Respecting, in Report of Select Committee on Newspapers, (98) **176-179**.
- REQUESTS — Vide *Court of Requests, Lower Canada*; *Court of Requests, Upper Canada*.
- RESOLUTIONS OF SUPPLY — Vide *Supply*, (Resolutions.)
- RESPONSIBLE GOVERNMENT — Vide *Addresses*, (27.); *Questions negatived*.
- Return to the Address on the subject of, presented, (389) **641**.

- Certain Resolutions moved on the subject of Responsible Government, and amendments thereto, (480-482) **790-792**. To be printed, (483) **793**.
- REVISION OF STATUTES AND ORDINANCES — Vide *Statutes and Ordinances Revision*.
- RICE LAKE AND COBOURG NAVIGATION — Petition of Thos. Carr and others, for the improvement of the water communication between Rice Lake and Cobourg, (224) **386**, (234) **404**.
- RICHARDSON, ANN — Petition for relief, her husband having been forty years in the Public Services, (465) **761**, (477) **787**.
- RICHELIEU RIVER NAVIGATION — Petition of Rev. P.M. Mignault and others, for improvement thereof, (387) **639**, (403) **657**. — Vide *Public Improvements*, Bill ; *Supply*, (Resolutions.)
- RIOTS — Vide *Toronto City Riots* ; *Home Districts Riots*.
- ROAD ACT OF UPPER CANADA — Notice of Motion respecting amendment of, **224**. House resolves to go into Committee to consider of amending the Road Act of Upper Canada (50th Geo. 3., Cap. 1.), (195) **333**. Considered ; Resolution reported and agreed to, (266) **470**. BILL, presented and read, (266) **470**. Committed, (321) **563**. Consideration postponed, (356) **598**.
- ROADS — Petition of John Burn and others, of Township of Durham, that work done on the Roads, be by contract, (224) **386**, (233) **404**.
- ROADS AND BRIDGES — Petitions for Aid : — Of Alexander Garner and others, of Niagara District, for a Road, (11) **19**. Of William Clarke and others, Township of Markham ; Of H. Troup and others, Township of Asphodel and Dummer, for Roads, (102) **186**, (129) **219**. Of D. Jones and others, for Post Road from Cornwall to L'Orignal, (127) **217**, (164) **278**. Of Bishop of Montreal for a Bridge ; Of Alex. Lewis and others, of Townships of Caledon, Albion &c. ; Of William Robinson and others, of Trafalgar, for Roads, (133) **227**, (164-165) **279**. Of Ira Schofield and others, Inhabitants of the Districts of London and Brock, for a Road ; Of Frederick Dugas and others, of Carleton, for a Road, (163) **277**, (175) **307**. Of M. Townsend and others, Inhabitants of Foucault, for a Bridge ; Of Henry Trout and others, Township of Asphodel and Dummer ; Of J. Montgomery and others, of Roxborough, for Roads, (171) **289**, (184) **320**. Of Inhabitants of Township of Douro ; Of Michael Healy and others, of Township of Adjala, for Roads, (174) **306**, (194) **331**. Of John C. Hendershot and others, of Township of Mersea and Gosfield, for a Road, (193) **331**, (202) **345**. Of Christopher Cheyne and others, Township of Toronto, for a Bridge ; Of James Clarke and others, of Township of Caledon ; Of James Gillespie and others, of Township of Caledon ; Of J.B. Phillips and others, of Home District ; Of William Light and others, of District of Brock, for certain Roads, (199) **342**, (211) **367**. Of C.S. Ruttan and others, of Townships of Eldon and Mariposa, for a Road, (211) **367**, (227) **393**. Of James Stock [or Stocks] and others, Township of Etobicoke, for a Road, (223) **386**, (233) **404**. Of John Cameron, for a Road in the Township of Finch ; Of H. Robinson and others, for a Road in the County of Shefford, (239) **418**, (252) **451**. Of William Millar and others, of Finch and Roxborough, for a Road, (249) **446**, (268) **475**. Of B.R. Church and others, of the Township of Marlborough, for a Road, (298) **527**, (304) **540**. Of James Maitland and others, of Marlborough, for a Bridge ; Of Wm. Wallace and others, of Township of Ramsay, aid for Highway, (303) **539**, (318) **560**. Of Rev. A. Balfour and others, for a Road, near the Village of Grimsby ; Of Daniel Clarke and others, of Counties of Glengarry and Stormont, aid for Roads, (308) **547**, (324) **566**. Of Alex. McMartin and others, of County of Glengarry, for a Bridge ; Of Rev. Hugh Paisley and others, of Ste Catherine de Fossambault, for a Road, (309) **547**, (325) **566-567**. Of W. Lemoine and aid for Catarqui Bridge, (352) **594**, (365) **611**. Of Alex. Johnston and others, of North Gore, for a Road, (365) **611**, (388) **640**. Of James May and others, for a Road in the Talbot District, (387) **639**, (403) **657**. Of Michael Kelly and others, for finishing the Road from Cornwall to Roxborough, (416) **674**, (435) **702**. Of James Read and others, for improvement of the Road from Amherstburgh to Chatham ; Of H. Graham and others, for making certain Communications, (429) **690**, (443) **712**. Of Thos. B. Prentiss and others, for aid to construct bridges across the Gatineau River, (459) **737**, (472) **777**. Of N. Starke and others, for improvement of the road from Bytown to Sydenham,



(472) **777**, (486) **803**. Of James Brady and others, of County of Drummond, for assistance to build a Bridge over the River St. François, (493) **816**. Of John Portt [or Post] and others, of Tyendinaga and Richmond, aid for a certain Road, (491) **815**, (523) **857**.

—— Question respecting grant of money for public Road, Eastern part of the Province, **286**.

—— Vide also under the following heads : — *Bayonne River Bridge* ; *Beaudette River Road* ; *Bytown Turnpike* ; *Caledonia Bridge* ; *Champlain and St. Lawrence Rail Road* ; *Cobourg and Rice Lake Road* ; *Coteau du Lac Rail Road* ; *Cross Point Road* ; *Dundas Street and Humber Macadamized Road* ; *Erie and Ontario Rail Road* ; *Gananoque Bridge* ; *Gaspé County* ; *Gore and Brock District's Road* ; *Kent Turnpike* ; *Madawaska Bridge* ; *Montréal Roads in Vicinity* ; *Owen's Sound Road* ; *Public Improvements*, Bill ; *Québec Roads in Vicinity* ; *Queenston and Grimsby Macadamized Road* ; *Road Act of Upper Canada* ; *Roads* ; *Rouge Bridge* ; *Sherbrooke and Richelieu Rail Road* ; *Supply*, (Resolutions) ; *Sydenham Mountain Road* ; *Tecumseth Road* ; *Toll Exemption* ; *Toronto and Huron Rail Road Company* ; *Turnpike Trusts* ; *Victoria Macadamized Road* ; *West Amos* ; *West Gwillimbury Road and Bridge Act* ; *Winter Roads*.

ROBBERY OF THE MAIL — Petition of John Lister and Bowman & Co., for relief as sufferers by the robbery of the Mail between Kingston and Brockville, (449) **722**, (466) **762**.

ROUGE BRIDGE — Petition of Thomas Kains [or Rains] and others, for a Bridge over the River Rouge in the Township of Grenville, (359) **602**, (385) **636**.

ROURKE, MATTHEW — Petition of, for relief in the matter of a suit instituted against him for costs on a contested election, **135**, (352) **594**, (365) **611**. Referred, (388) **640**. Report, (615) **984**. Taxation of the costs on the Petition to be examined and revised according to evidence, (616) **985**.

ROWLANDS, SAMUEL — Petition of, for remuneration as a Printer, for loss sustained by the violation of a certain contract, (491) **815**, (523) **858**. Referred, (536) **878**.

RULES AND REGULATIONS — Select Committee appointed to frame Rules and Regulations for the guidance of the House, (10) **17**. Pending the Report of Committee, the Rules and Regulations of the Assembly of Lower Canada to be adopted, (14) **23**. Members added to Committee, (15) **23**. Report, (29) **45**. Committed, (33) **48**. Considered, (37) **55-56**. Report, (40-48) **72-80**. Concurred in, (48) **80**.

—— Respective Application for Money, **40**. Debate on same subject, **170-173**.

—— Manuscript, copy of the, to be sent to the Legislative Council, (48) **80**.

—— To be printed, (49) **81**.

—— Notice of Motion to amend said Rules, **209**.

—— House resolves to go into Committee to consider the propriety of altering, rescinding or amending the rules of the House, (168) **283**. Considered, (288) **508**. Resolutions reported and agreed to, (288) **508-509**.

—— Suspended, (162) **276**, (170) **284**, (172) **290**, (176) **308**, (208) **352**, (228) **393**, (229) **395**, (240) **418**, (247) **442**, (282) **494**, (286) **507**. — Vide *Questions negatived*.

## S

SAGUENAY COUNTY — Vide *Winter Carriages*.

—— Petition of Michel Desgagnés, respecting the Polling place in said county, (76) **141**.

ST. HYACINTHE HOSPITAL — Petition of Sister M.M. Huot for aid, (324) **566**, (340) **583**.

ST. LAWRENCE IMPROVEMENT — Question respecting, **286-287**. Petition of Lewis Lyman, Commissioner of North American Colonial Association of Ireland, and other Inhabitants of County of Beauharnois, respecting said Improvements, (435) **702**. — Vide *Addresses*, (10, 31.) ; *Reid, J. and R. Shepherd* ; *Public Improvements*, Bill ; *Supply*, (Resolutions.)

ST. PAUL'S AND SCATTARIE LIGHT HOUSES — Report of Commissioners presented, (74) **138**.

SALARIES TO OFFICERS OF THE LEGISLATURE — Vide *Speaker's Salary* ; *Messages*, (15, 24.) ; *Sessional Payment of Members*.

—— Motion respecting, withdrawn, 601.

—— House resolves to go into Committee to consider the Message (15.), of His Excellency relative to the Salaries of the Speakers and of the Officers of both Houses, (413) 669. Petitions of Joseph Bolduc and of Pierre Lacroix referred, (444) 713, (467) 762. Subject considered, (599) 863. Resolution reported, (605) 971. Agreed to unanimously, (606) 971. Message, (24.), of His Excellency on Sessional payment of Members committed; Considered; Thirty-two resolutions reported and agreed to, (606) 972. BILL to provide for salaries and allowances to officers of the Legislature, presented and read twice, (608) 975. Passed, (614) 983. By the Council with amendments, (632) 1002-1003.

—— BILL to provide for certain expenses of the Legislature of this Province and of the Provinces of Upper and Lower Canada, presented and read twice, and passed, (633) 1004. By the Council, (638) 1011. Royal Assent, (644) 1017. — 4th & 5th Vic., Cap. 45.

SALES BY AUCTION — BILL to make certain alterations in the Laws relative to duty upon Sales of Property by Auction, presented and read, (519) 849. Committed, (525) 860. Considered, (563) 913-914. Reported; Motion to re-commit the Bill, *negated*, (572) 929-930. Bill passed upon division, (572) 930. By the Council, (603) 970. Royal Assent, (644) 1018. — 4th & 5th Vic., Cap. 21.

SARNIA CANAL — Petition of Richard E. Vidal and others, that George Durand may have leave to cut a Canal from the River aux Perches to Lake St. Clair, in the Township of Sarnia, (382) 629, (403) 657. Referred, (389) 641. BILL to empower George Durand, Esquire, to construct such Canal for Mill purposes reported and read, (453) 726. Second reading, (471) 767. Passed, (473) 778. By the Council, (502) 828. Royal Assent, (642) 1015. — 4th & 5th Vic., Cap. 81.

SAVINGS BANKS — BILL to encourage the establishment of, and to regulate Savings Banks in this Country, presented and read, (314) 552. Committed, (381) 628. Considered; Reported, (428) 687. Passed, (443) 712. By the Council with amendments, (585) 948. Considered; Agreed to, (602) 968. Royal Assent, (641) 1015. — 4th & 5th Vic., Cap. 32.

SCHOOL LANDS — Vide *Education and Schools*, Bill; *Messages*, (19.)

SCHOOL VISITOR, BEAUHARNOIS — Vide *Addresses*, (9, 41.)

—— Report of, under the Ordinance 2nd Vic., Cap. 43. Presented, (181) 313. Referred, (181) 314.

SCHOOLS AND SEMINARIES — Vide *Anatomical Schools; Education and Schools; King's and Upper Canada College; L'Assomption College; Medical School; Montreal American Free School; Montreal Recollet School; Quebec National Schools; School Visitor, Beauharnois; Shefford Academy; Sherbrooke Academy; Victoria College*.

SCRIPTURES DUTY EXEMPTION — Notice of Motion for consideration of, 224. BILL to exempt from duty all Scriptures imported by Sea, presented and read, (245) 434. Second time, (304) 541. Passed, (309) 547. By the Council, (345) 588. Royal Assent, (359) 602. — 4th & 5th Vic., Cap. 6.

SEAT OF GOVERNMENT — Vide *Addresses*, (15.); *Parliament of Canada*.

SECORD, DAVID — Petition of, for remuneration for services, during the American Revolution and the late War with the United States, (127) 217, (163) 277.

SECRET SOCIETIES — Petitions of J.J.S.D. Moodie and others of Belleville; and of J. Murray and others of Belleville, for an Act to suppress all such Societies, (541) 890, (578) 940.

SECURITIES IN OFFICES — BILL to regulate the taking of Securities, brought from the Council and read, (318) 559. Second reading, (581) 943. Passed, (596) 960. Reserved for Her Majesty's Pleasure, (644) 1017.

SEIGNORIAL TENURE — Vide *Feudal Tenure*.

SELECT COMMITTEES — Vide *Committees, Select*.

SELLERS OF REAL ESTATE — BILL for relief to, in Upper Canada, brought from the Council, (585) 948. Read, (587) 948. Second reading, (603) 959.

- SERGEANT AT ARMS — Appointment of Deputy, (53) **103**, (59) **112**. Resolution — Addition to his salary, (631) **1001**.
- SESSIONAL PAYMENT OF MEMBERS — Vide *Messages*, (24.); *Salaries to Officers of the Legislature*; *Questions negated*.
- House resolves to go into Committee to consider the Message of His Excellency on providing for the Sessional payment of Members, (562) **910-911**. Considered; Resolution reported; Agreed to, on division, (575) **932**. BILL to provide for a Sessional payment to Members of the Legislative Assembly, presented and read, on division, (575) **932**. Committed on division, (584) **947**. Committal discharged, and the subject referred to Committee of whole on *Salaries to Officers of the Legislature*, (606) **972-973**. BILL presented, (608) **975**. Read twice; Committed; Considered; Reported; An amendment moved and *negated*, (609) **975-976**. Passed, (614) **983**.
- BILL to provide for payment of certain monies by the District Treasurers of Upper Canada to the Receiver General, and for other purposes, presented and read twice, (633) **1005**. Passed, (634) **1006**. By the Council, (638) **1011**. Royal Assent, (644) **1017**. — 4th & 5th Vic., Cap. 55.
- SHARRARD, JAMES AND THOMAS HENRY — Christian Ministers, Petition of, for authority to celebrate matrimony, and to hold lands for certain purposes, (9) **17**. Referred, (54) **104**. Petition of "Bible Christians" also referred to same committee, (54) **104**. Report, (166) **280**. — Vide *Religious Societies Land; Marriage*.
- SHARTS [OR SHORTS], REV. W. — Vide *Naturalization*.
- SHEFFORD ACADEMY — Petition of, for aid, (162) **277**, (174) **307**.
- SHEFFORD COUNTY — Vide *Elections Controverted*.
- SHERBROOKE ACADEMY — Petition of Trustees for assistance, (102) **186**, (129) **219**.
- SHERBROOKE AND RICHELIEU RAIL ROAD — Petition of Alexander Reid and others, for a survey and Estimate of the said Road, and a repeal of part of the Ordinance respecting it, (113) **199**, (129) **220**.
- House resolves to go into Committee to consider the Ordinance of the Special Council on the subject of the said Road, (205) **348**. Considered, (247) **442**. Resolution reported and agreed to, (247) **442**. BILL to amend a certain Ordinance for making a Rail Road from Sherbrooke to the River Richelieu, presented and read, (247) **442**. Second reading, (285) **504**. Passed, (291) **512**. By the Council, (345) **588**. Royal Assent, (359) **602**. — 4th & 5th Vic., Cap. 47.
- SHERBROOKE AND STANSTEAD FIRE INSURANCE COMPANY — Petitions of James Millar and others, County of Drummond, and of H. Robinson and others, County of Shefford, to be united to the said Company, (163) **277**, (175) **307**, (233) **404**, (242) **429**. Referred, (176) **308**, (260) **461**. Bill reported and read, (279) **491**. Second time, (286) **505**. Passed, (291) **512**.
- SHERIFFS' SALES — BILL for relief of Purchasers, at certain Sheriffs' sales, presented and read, (272) **479**. Committed, (401) **654**. Considered, (458) **735**, (484) **800**. — No Report.
- SIMCOE COUNTY — BILL to authorise the holding District Courts and Division Courts in said County, presented and read, (487) **805**. Committed, (525) **860**.
- SIMCOE DISTRICT — Petition of Edward O'Brien and others to raise a further sum to complete the Gaol and Court House therein, (113) **199**, (129) **220**. *Infra*.
- House resolves to go into Committee to consider of an additional loan to complete the Gaol and Court House of said District, (100) **180**. Motion to revive order of the day for consideration of this subject, **209**. Petition of Edward O'Brien and others, also Committed, (269) **476**. Considered, (273) **481**. Resolution reported and agreed to, (273) **481**. BILL presented and read, (273) **481**. Committed, (305) **541**. Considered, (322) **564**. Reported, (338) **580**. Passed, (352) **594**. By the Council, (484) **794**. Royal Assent, (641) **1014**. — 4th & 5th Vic., Cap. 78.
- SMALL DEBTS — Vide *Court of Requests, Lower Canada*; *Court of Requests, Upper Canada*.
- SMYTH, CHARLES — Of City of Albany, (N.Y.) — Petition of, complaining of illegal seizure of a large quantity of Tobacco, (324) **567**, (340) **583**. Referred, (340) **583**.



SMYTH, JOHN — Petition of, for remuneration, in consequence of the land he obtained for surveying, being of no value, (309) **547**, (325) **567**.

SNIDER, JACOB, AND OTHERS — Petition of, for loss sustained by a certain survey under authority of an Act of Upper Canada, (382) **629**, (403) **656**.

SPEAKER — Austin Cuvillier, Esq., Member for the County of Nicolet; chosen Speaker, *nem. con.*, (2) **1-5**.

——— Presents himself to His Excellency; obtains the usual privileges, and reports the same to the House, (3) **10**.

——— Reports His Excellency's Speech at opening of Session, (6) **14**.

——— Reports that certain Petitioners had entered into recognizances, (26) **42**, (39) **71**, (69) **125**, (92) **164**, (133) **227**, (148) **261**, (155) **269**.

——— Reports that a Member had vacated his seat, (38) **69**.

——— Reports Letter from Sergeant at Arms for permission to appoint a Deputy, (53) **103**. Another letter on appointment of Deputy, (60) **112**.

——— Reports Intention of His Excellency to proceed to the Legislative Council Chamber to give His Assent to Bills, (100) **180**, (345) **588**, (433) **699**.

——— Reports the Royal Assent to Bills, (105) **189**, (358) **602**, (440) **707**.

——— Reports Certificates of the Clerk of the Crown in Chancery of Elections agreeably to Writs, (103) **187**, (170) **289**.

——— Reports Bank Statements, (114) **200**, (126) **216**, (133) **227**, (148) **261**, (152) **265**, (232) **403**.

——— Reports statements of affairs of Champlain and St. Lawrence Rail Road, (126) **216**.

——— Reports Returns of Fire Assurance Company, (146) **257**.

——— Rules Respecting, (40) **73**.

——— Directions to give notice to parties in cases of controverted Elections, (86) **157**, (90) **162**, (93) **166**, (94) **167**, (96) **170**, (136) **233**, (161) **274-275**.

——— Gives the casting Vote, (518) **848**, (528) **867**, (637) **1010**.

——— To appoint Messengers, (47) **79**.

——— To Issue Summonses in cases of controverted Elections, (111) **195**, (126) **216**, (190) **325**, (271) **479**, (280) **492**. — *Vide Questions negated*.

——— To Issue warrants for new writs, (15) **26**, (38) **69**, (419) **678**.

——— To give directions in all matters concerning the safe keeping of the records, and respecting the Officers and Servants of the House, (236) **410**. Rescinded, (510) **838**.

——— To advance from time to time to the Clerk out of the Contingencies such sums of money as may be necessary to make a general Index to the JOURNALS of the House of Assembly, of Upper and Lower Canada, (525) **860**.

——— Announces His Excellency's intention of Proroguing the Provincial Legislature, (537) **880**.

——— Communicates Letter from The Clerk of the House on appointing a Deputy during the Recess, (613) **993**.

——— His Address on presenting Bills of aid and supply for the signification of the Royal Pleasure, (644) **1017**.

SPEAKER OF LATE UPPER CANADA ASSEMBLY — Subject of remuneration to, referred to Select Committee on *Contingencies of the House*, (371) **618**. Report, (544) **893**.

SPEAKER'S SALARY — *Vide Salaries to Officers of the Legislature*.

——— House resolves to go into Committee to consider of providing for a salary to Mr. Speaker; Considered, (272) **479-480**, (308) **544-545**. Motion to refer to said Committee Message on Legislative Official's Salaries, withdrawn, **601**. Two Resolutions reported. — First resolution agreed to, (386) **637**. Consideration of Second Resolution postponed, (386) **638**. Considered, (406) **660-662**. Two Amendments thereto, *negated* upon division, (406) **660**, (407) **661**. Resolution amended by adding the words "provided the said Speaker hold no Office of profit or emolument under the Crown," and agreed to, (407) **661**, (408) **662**. Committee appointed to draft a Bill, (408) **662**.

SPEECH — *Vide Governor General; Deputy Governor General*.

SPURIOUS COPPER AND BRASS COIN — BILL to prevent the fraudulent manufacture, importation or circulation of Spurious Copper and Brass Coin, brought from the Council and read, (502) **829**. Second reading, (568) **921**. Passed, (585) **947**. Royal Assent, (643) **1016**. — 4th & 5th Vic., Cap. 17.

STANDING COMMITTEES — Vide *Committees, Standing*.

STATUTE LABOUR — Vide *Elizabethtown ; Turnpike Trusts*.

STATUTES AND ORDINANCES REVISION — House resolves to go into Committee to consider of addressing His Excellency, to appoint Commission to revise the Statutes and Ordinances of Lower Canada, (116) **203**. Considered ; Resolution reported and agreed to, (446) **717**. — Vide *Addresses, (48)*.

STEAM DREDGE — Report of Commissioner of Provincial Steam Dredge presented, (263) **464**. Referred, (263) **464**. Report, (461) **739**. Committed, (462) **740**. Message (20.) from His Excellency relative to the amount due the Commissioner, also Committed, (524) **859**. Also Message (26.) in answer to Address relating to the claim of C. Leggo, (576) **932**. Last Committal discharged, and a Bill brought in, Vide *Leggo, Christopher*, (579) **940**. The other Committals discharged, and referred to Committee of whole on Supply, (590) **953-954**. BILL to defray certain expenses relative to Steam Dredge reported and read twice, (605) **971**. Passed, (615) **984**. By the Council, (632) **1002**. Royal Assent, (643) **1016**. — 4th & 5th Vic., Cap. 44.

STIPENDIARY MAGISTRACY — Petition of the Very Rev. the Archdeacon Stuart and others, of Kingston, for the establishment thereof in said Town, (541) **890**, (579) **940**.

STORMONT ASSESSMENT — Petition of Duncan McDonald and others, of the Town of Cornwall, to be relieved from the payment of said assessment, (133) **227**, (265) **279**.

STOTT, DANIEL AND OTHERS — Proprietors of land in the Seignory of De Léry — Petition of, that in case of commutation of Feudal Tenure, the value of land be made the basis for calculating the value of the "Lods et ventes"; and the rate at which lands were originally conceded as the basis for the value of the "Cens et Rentes", (299) **527**, (304) **540**.

STRANGERS — May be admitted into the House during its sittings, (42) **74**.

SUPPLY — Vide *Accounts, Public ; Public Improvements ; Roads and Bridges*.

—— Question respecting Application for Money, **40**. Debate on same subject, **170-173**.

—— BILL to grant certain sums to Her Majesty for the support of the Civil Government for the year ending 31st December, 1841, presented and read, (562) **910**. Second reading, (565) **915**. Passed, (566) **919**. By the Council, (603) **970**. Royal Assent, (644) **1018**. — 4th & 5th Vic., Cap. 50.

—— House resolves to go into Committee of, (580) **941**. Message (28.) respecting aid to Victoria College committed, (580) **941**. Also report of Commissioner of Provincial Steam Dredge, and Message (20.) on the same subject, (590) **954**. Subjects considered, (598) **961**. Two resolutions reported and agreed to, (604) **970**. — Vide *Victoria College ; Steam Dredge*.

RESOLUTIONS OF SUPPLY : —

Reported.	Agreed to.	For what Purpose.	Sums granted.
			<i>Currency.</i>
			£    s.    d.
(500) <b>825</b>	(516) <b>845</b>	Welland Canal, .....	450,000    0    0
(500) <b>825</b>	(516) <b>845</b>	For completing the free passage between the Western portion of the Province, the St. Lawrence, and the Sea, .....	315,070    0    0
(500) <b>826</b>	(516) <b>845</b>	River Richelieu, .....	21,000    0    0
(500) <b>826</b>	(516) <b>845</b>	River Ottawa, .....	28,000    0    0
(500) <b>826</b>	(516) <b>845</b>	Burlington Canal, .....	45,000    0    0

Reported.	Agreed to.	For what Purpose.	Sums granted.		
			<i>Currency.</i>		
			£	s.	d.
(500) 826	(516) 845	Internal Waters of the Newcastle District,	50,000	0	0
(500) 826	(516) 845	Harbours and Light Houses, and the Roads leading thereto, .....	74,000	0	0
(500) 826	(517) 846	For Bay of Chaleurs' Road, .....	15,000	0	0
(500) 826	(517) 846	Gosford Road, .....	10,000	0	0
(500) 826	(517) 846	Main Northern Road, .....	30,000	0	0
(500) 826	(517) 846	Cascades to Côteau du Lac, .....	15,000	0	0
(500) 826	(517) 846	Brantford to London, .....	55,000	0	0
(500) 826	(517) 846	Thence to Port Sarnia, .....	15,000	0	0
(500) 826	(517) 846	London to Chatham, Sandwich and Amherstburg, .....	36,000	0	0
(501) 826	(517) 846	For Bridges between Québec and Montréal,	34,000	0	0
(501) 826	(517) 846	Navigation of Lake St. Peter, .....	58,500	0	0
(501) 826	(517) 847	St. Lawrence Navigation, .....	376,612	0	0
(583) 945	(583) 945	Military Road from the Ottawa to the St. Lawrence, .....	1,500	0	0
(583) 945	(583) 945	Hamilton and Port Dover Road, .....	30,000	0	0
(554-555)	(560) 908	Amount for the various Public Departments, (Salaries and Contingencies,) .....	1,010	18	5
902-904		Additional Salary, Solicitor General, Upper Canada, .....	94	19	6
(555) 904	(560) 908	Additional Salary, Attorney General, Upper Canada, .....	41	8	0
(556) 904	(560) 908	Criminal Prosecutions, Upper Canada, .....	87	13	5
(556) 904	(560) 908	Usher and Keeper, Queen's Bench, Upper Canada, .....	4	7	8
(556) 904	(560) 908	Government Printing, Upper Canada, .....	82	3	10
(556) 904	(560) 908	Contingencies of Public Offices, Upper Canada, .....	87	13	5
(556) 904-905	(560) 908	Contingencies, Clerk of the Crown, Upper Canada, (Two Periods,) .....	60	0	0
(556) 904		Contingencies of Legislature, Upper Canada, .....	5,000	0	0
(556) 905	(560) 908	Casual and Extraordinary Expenses, Upper Canada, .....	200	0	0
(556) 904-905	(560) 908	Common Schools, Upper Canada, (Two Periods,) .....	5,650	0	0
(556) 905		Upper Canada College, .....	989	6	10½
(556) 905	(560) 908	Central School, Toronto, .....	371	0	1½
(556) 905	(560) 908	Peterborough School, .....	66	15	7½
(557) 905	(560) 908	Provincial Penitentiary, .....	11,271	0	0
(557) 905	(560) 908	Printing Revised Statutes, .....	3,000	0	0
(557) 905	(560) 908	Owen's Sound Road, .....	2,500	0	0
(557) 905	(560) 908	Toronto General Hospital, .....	500	0	0
(557) 905	(560) 908	House of Industry, .....	350	0	0
(557) 905	(560) 908	Sick and Poor at Kingston, .....	350	0	0
(557) 905	(560) 908	Commissioners on Losses by late Rebellion, .....	500	0	0
(557) 905	(560) 908	Casual and Extraordinary Expenses, Upper Canada, .....	300	0	0
			<i>Sterling.</i>		
			£	s.	d.
(557) 905	(560) 909	Adjutant General Militia, Upper Canada, ..	112	10	0
(557) 906	(560) 909	Department of the Adjutant General of Militia, Lower Canada .....	169	5	0
(557) 906	(560) 909	Two Provincial Aides-de-Camp, .....	90	0	0
(557) 906	(560) 909	Translating Public Documents, .....	12	10	0
(558) 906	(560) 909	Repairs of Public Buildings, .....	250	0	0



Reported.	Agreed to.	For what Purpose.	Sums granted.
			<i>Sterling.</i>
			£ s. d.
(558) 906	(560) 909	Surveyor of Highways, Gaspé, .....	12 10 0
(558) 906	(560) 909	Inspector of Chimneys, Three Rivers, .....	6 5 0
(558) 906	(560) 909	Three Keepers of Dépôts of Provisions, ....	37 10 0
(558) 906	(561) 909	Unforeseen expenses, for the Public Service, .....	500 0 0
(558) 906	(561) 909	Montreal Grammar School, .....	63 10 0
(558) 906	(561) 909	Officers and Messenger of Royal Institution for advancement of Learning, .....	40 5 0
(558) 906	(561) 909	Removing Library from Québec to Kingston, .....	119 10 7
(558) 907	(561) 909	Collector and Land Waiter at the Port of Phillipsburg, .....	37 2 6
(558) 907	(561) 909	Clerk to the Collector at St. Johns, .....	45 0 0
(558) 907	(561) 909	Relief of Insane, and for support of Found- lings, and the indigent Sick, at Québec, Montréal, and Three Rivers, .....	887 10 0
(559) 907	(561) 909	Montreal Hospital, .....	225 0 0
(559) 907	(561) 909	Various Orphan Asylums in Québec and Montréal, (£22 10 Sterling each,) .....	112 10 0
(559) 907	(561) 909	Montreal Ladies Benevolent Society, .....	22 10 0
(559) 907	(561) 909	Montreal Lunatic Asylum, .....	270 0 0
(559) 907	(561) 909	Schools in Lower Canada, .....	695 0 0
(559) 907	(561) 909	Printing Ordinances of Special Council, ....	1,800 0 0
(559) 908	(561) 910	Interest on Loans for Montréal and Québec Roads, .....	2,000 0 0
(559) 908	(561) 910	Keeper of Parliament Buildings, Québec, ...	22 10 0
(559) 908	(561) 910	For forwarding Emigrants, in 1840 and 1841, .....	5,789 4 8
(559) 908	(561) 910	For a Geological Survey, .....	1,500 0 0
(560) 908	(561) 910	Fees and Expenses on Writs of Election, ....	862 1 8
			<i>Currency.</i>
			£ s. d.
(604) 970	(604) 970	Aid to Victoria College, .....	500 0 0
(604) 970	(604) 970	To Commissioner of the Provincial Steam Dredge, .....	447 4 2
(605) 971	(605) 971	Light Houses on the River St. Lawrence, ....	925 0 0
(606) 972	(606) 972	Speakers and Officers of the Legislature, ....	5,495 0 0
(607) 973-975	(607) 973-975	Pensions to certain Officers and Servants of the Legislatures of the late Provinces of Upper and Lower Canada, .....	1,534 0 0
(608) 975	(608) 975	Sessional Allowance to Members, .....	6,800 0 0
		By Address (62.) for Contingencies of the Legislative Assembly to the 31st December, 1841, (631) 1001, .....	11,063 13 3

—— Proposition for Deputy Surveyor to make maps of the Province, 964.

SURVEYORS — Vide *Licensed Surveyors; Lawyers and Surveyors; Supply.*

SURVEYS — Vide *Addresses, (23.); Durham Township.*

SYDENHAM HARBOUR — BILL to incorporate a company to construct, presented and read, (600) 966. Second reading, (620) 989. Passed, (628) 998. By the Council, (639) 1011. Royal Assent, (643) 1016. — 4th & 5th Vic., Cap. 56.

SYDENHAM MOUNTAIN ROAD — Petition from Freeholders of District of Gore for an Act of Incorporation, (18) 29. Referred, (71) 130. BILL reported and read, (96) 169. Motion for re-committal, 319. Committed, (321) 563. — Vide *Questions negatived.* Considered, (441) 709, (448) 719. Reported, (448) 719. Passed, (459) 737. By the Council, (501) 828. Royal Assent, (641) 1015. — 4th & 5th Vic., Cap. 80.

## T

**TAILHADES [OR TAYLHADES], JACQUES A.** — An advocate of France; Petition of, stating that he has resided in Montréal several years, and solicits that he may present himself for examination at the end of the fourth year of his clerkship, (49) **81**. Referred, (96) **169**. Bill reported and read, (118) **205**. Second reading, (191) **328**. Committed; Considered, (301) **530**. Passed, (303) **539**. By the Council, (365) **612**. Royal Assent, (440) **707**. — 4th & 5th Vic., Cap. 86.

**TAIT, C. AND OTHERS** — Petition of, that an Act be passed to extend the time limited in the 53rd Section of the Ordinance, 4th Vic., Cap. 31, (239) **418**, (253) **451**.

**TALBOT DISTRICT** — Petition of Inhabitants of township of Oakland; of S. Garnsey and others of the township of Bayham; of J. Mercer [or Merser] and others of township of Walpole; and of J. Covernton and others, for an enlargement of the said District, (55) **105**, (127) **217**, (164) **278**. Petitions committed, (260) **461**. Considered, (441) **709**. Resolution reported; on concurrence on the Resolution being moved, an amendment, that the Petition of Samuel Garnsey, be referred to a Select Committee, agreed to, (442) **710**. The petitions of the Inhabitants of Oakland, and of James Covernton referred to the same Committee, (452) **725**. Two members added, (453) **726**. Report, (478) **788**. Committed, (479) **789**. Considered, (503) **830**. Resolutions reported and agreed to, (504) **830**. — Vide *Norfolk County*.

**TAVERNS AND TAVERN KEEPERS** — Petition of J.W. Kurczyn and others, for the repeal of part of the Ordinance of 4th Vic., Cap. 42, (162) **277**, (174) **307**.

— House resolves to go into Committee to consider of amending an Ordinance of 4th Vic., Cap. 42, relative to Tavern, and Tavern Keepers, (195) **333**. Considered; Resolution reported and agreed to, (287) **507**. BILL to repeal the second section of said Ordinance presented and read, (287) **508**. Second reading, (305) **541**. Passed upon division, (309) **548**. — Vide *Questions negatived*.

**TAY NAVIGATION ACT** — Petition of Rev. W. Bell, for amendment of the Act, (113) **199**, (129) **219**.

**TECUMSETH ROAD** — Petition of W. McCrae and others, for its completion, (162) **277**, (174) **306**. Referred, (466) **762**.

**TENURE** — Vide *Feudal Tenure*.

**TERREBONNE COUNTY** — Vide *Elections controverted*.

**THOMPSON, HON. J.G.** — Vide *Addresses*, (13.)

**THREE RIVERS' BANK** — Petition of Moses Hart and others, for an Act of Incorporation, (102) **186**, (129) **219**.

**TIMBER TRADE** — Vide *Lumber Trade*.

**TOBACCO DUTY** — Petition of Thomas Renwick and others, of the Western District, for reduction of, (334) **576**, (352) **595**. Referred, (353) **595**. — Vide *Agriculture and Commerce*.

**TODD, ALFRED AND OTHERS** — Petition of, respecting their standing as Clerks, in the Office of the Clerk of the House, (211) **367**, (227) **393**. Referred to the Select Committee on *Officers and Departments of the House*, (234) **405**. Report, (270) **477**. Agreed to, (513) **841**.

**TODD, ALFRED AND OTHERS** — Petition of, respecting their standing as Clerks, in the Office of the late Upper Canada Assembly, be made up to £200 each, for the past year, (459) **737**, (472) **777**. Referred to the Select Committee on the *Contingencies of the House*, (472) **777**. Report, (544) **893**. Agreed to, (596) **959**.

**TODD, ALPHEUS** — Petition of, on the subject of his work on Parliamentary Law, read, (72) **133**. Referred to Select Committee on *Officers and Departments of the House*, (98) **175**.

— Petition of, for remuneration for his work on Parliamentary Law, (317) **559**, (335) **577**. Referred to Select Committee on *Contingencies of the House*, (340) **583**. Report, (545) **893**. Agreed to, (596) **959**.

- TOLL EXEMPTION** — Petition of G.P. Wilgress and others, for exemption from Toll on the Lachine Turnpike, (224) **386**, (233) **404**. Of George Babcock and others, Mail Contractors to be exempted from Toll on the line of their contracts, (224) **386**, (233) **404**. Latter Petition referred, (234) **408**.
- TORONTO** — Vide *Elections controverted; House of Industry*.
- TORONTO AND LAKE HURON RAIL ROAD COMPANY** — Petition of, that they may be allowed to make a Plank Road on the same terms as the Rail Road, (493) **816**. Referred, (510) **838**. — Vide *Home District Justices; Addresses*, (60.)
- TORONTO CORPORATION** — Petition from, that the Moneys arising from Tavern and other Licenses within the City, may be placed under their control, (298) **527**, (304) **540**. Referred, (353) **595**. — Vide *Home District Justices*.
- TORONTO GAS LIGHT AND WATER COMPANY** — Petitions for an Act of Incorporation : — Of J. Masson and others, (239) **418**, (252) **451**. Of the City Corporation, (239) **418**, (253) **451**, (298) **527**. Of W.B. Jarvis and others, (239) **418**, (253) **451**, (303) **539**. Petitions referred, (253) **452**, (299) **527**, (304) **540**. BILL reported and read, (313) **552**. Committed; Considered, (381) **628**. Reported, (386) **638**. Passed, (387) **639**. By the Council with amendments, (490) **812**. Considered, (496) **822**. Agreed to, (498) **824**. Royal Assent, (641) **1014**. — 4th & 5th Vic., Cap. 65.
- TORONTO LUNATIC ASYLUM** — Report of Commissioners presented, (562) **910**. — Vide *Addresses*, (55.)
- TORONTO RIOTS** — Vide *Addresses*, (6, 44.)
- Message of His Excellency with Copy of Report of Commissioners, respecting the Toronto Riots, presented, (279) **491**. To be printed, (300) **529**. Referred, (301) **530**. — Vide *Home District Riots*.
- Petition of George Monro, Esq., Mayor, in behalf of the Corporation, to enquire into the truth of the allegations of the Commissioners' Report, (364) **611**. Referred, (365) **612**. — Vide *Home District Riots*.
- Return to Address (44.), on the subject of the places and emoluments held by the Commissioners, who investigated said Riots, (467) **763**.
- TRADE** — Vide *Agriculture and Commerce; Duties on Exports; Duties on Imports; Lumber Trade; Transit of Products*.
- TRANSIT OF PRODUCTS** — Select Committee appointed to examine into the prices paid, and methods adopted for the transit of Products in the Province, (119) **206**. The Committee incorporated with the Committee on *Duties on Exports*, (235) **409**. — Vide *Agriculture and Commerce*.
- TRANSLATION OF THE LAWS** — BILL to provide for the translation of the Laws into the French Language, presented and read, (431) **692**. Second reading, (455) **728**. Passed, (459) **737**. By the Council, (501) **828**. Royal Assent, (641) **1015**. — 4th & 5th Vic., Cap. 11.
- TRIAL OF IMPEACHMENTS** — Notices of Bill, **673**, **720**. BILL for the trial of Impeachments, presented and read, (453) **726**. Committed, (483) **793**. Considered, (634) **1005**.
- TRINITY HOUSE** — House resolves to go into Committee to consider of repealing and amending the Laws regulating Pilots and Shipping in the Port and Harbour of Québec, and improving the navigation of the St. Lawrence; Considered, (256) **455**. Resolution reported and agreed to, (257) **455**. BILL reported and read, (257) **455**. Referred, (316) **556**. Petition of Pierre Langlois and others also referred, (389) **641**. Bill reported; Committed, (468) **764**. Petition of Masters and Owners of British Ships, and of the Pilots of the St. Lawrence, also committed on the Bill, (567) **920**. Considered, (587) **949**. Reported; Passed, (595) **959**. By the Council, (632) **1002**. Royal Assent, (643) **1016**. — 4th & 5th Vic., Cap. 15.
- Petition of Pierre Langlois and others, Pilots, that no Bill may be passed, affecting their interests without being heard thereon, (365) **611**, (388) **640**. Referred, (389) **641**. *Supra*.
- Petition of the Master, Deputy Master and Warden of Trinity House, Québec, against certain clauses in the above Bill, (508) **836**, (529) **871**.



TROIS-RIVIÈRES — Vide *Three Rivers' Bank*; *District of Three Rivers*.

TURCOTTE, J.E., ESQ. — Petition of, for relief, in being charged with costs of the contested Election for the County of St. Maurice, (449) **722**, (466) **762**. Referred, (467) **763**. Report, (589) **952**. Report committed, (590) **953**. Considered; Resolution reported and agreed to, (634) **1005**.

TURNER, R.J. — Petition of, for an Act to authorise him to practice as a Solicitor and Attorney, in the Court of Chancery and Court of Queen's Bench in this Province, (18) **30**. Referred, (71) **130**. BILL reported and read, (99) **179**. Second reading, (119) **207-208**. Amended, (120) **208**. — Vide *Questions negatived*. Passed, (128) **217-219**. By the Council with an amendment, (175) **307**. Considered; Agreed to, (181) **314**. Royal Assent, (359) **602**. — 4th & 5th Vic., Cap. 82.

TURNPIKE TRUSTS — Petition of Commissioners of the Turnpike Trust, Midland District, for amendments to the Macadamized Road Act of Upper Canada, (283) **502**, (299) **527**. Referred, (311) **550**.

——— Petition of Benjamin Thorne and others, Commissioners of the Turnpike Trust, Home District, for the repeal of a certain portion of the Act establishing said Trust, (491) **815**, (523) **857**.

——— Notice of Motion respecting following subject, **50**. Select Committee appointed on the Turnpike Trusts of the Gore District, (95) **168**. Petition of Inhabitants of the Gore District on commutation of Statute labour on Macadamized Roads, (55) **104**. Referred to said Committee, (98) **175**. To report from time to time, (133) **228**. BILL to repeal a certain Section of an Act of Upper Canada, relative to Macadamized Roads, reported and read, (212) **368**. Referred, (237) **411**. Petition from County of Leeds, respecting the Victoria Macadamized Road, referred to Committee on the Bill, (243) **430**. Bill reported; Committed, (262) **463**. Considered, — No Report, (273) **481-482**.

——— House resolves to go into Committee to consider of explaining and amending certain parts of an Act of Upper Canada, relating to Macadamized Roads, (487) **804**. Considered; Two Resolutions reported and agreed to, (504) **831**. BILL to explain and amend an Act of Upper Canada, relative to District Turnpike Trusts, presented and read, (505) **832**. Second reading, (562) **911**. Second clause struck out, (563) **911**. Ryder added (Clause A.), (566) **919**. Bill passed, (566) **920**. By the Council, (612) **981**. Royal Assent, (642) **1016**. — 4th & 5th Vic., Cap. 63.

## U

UNION OF PROVINCES — Motion for Address to the Governor General respecting, **688**. *Negatived*, (437) **704**.

UNJUST JUDGMENT — Petition of J. Kalar, complaining of unjust Judgments, in Courts of Requests and District Courts, (12) **20**. Referred, (103) **187**. — Vide *Militia Pensions*. Report; Committed, (487) **804**.

UNPROVIDED CASES — In unprovided cases the usages and forms of the Imperial Parliament to be observed, (42) **75**.

UPPER CANADA ACADEMY — Vide *Victoria College*.

UPPER CANADA BANK — Statement of its affairs, presented, (148) **261**.

——— Petition of, for an increase of Capital Stock, (98) **175**, (113) **200**. Referred, (115) **200**. *Infra*.

——— Petition of, for repeal of that part of their Act of Incorporation which defines the locality of their principal place of business, (98) **175**, (114) **200**. Referred, (114) **200-201**. The Petition of said Bank for an increase of Capital, also referred; also the Petitions of the Commercial Bank of the Midland District; Of the Bank of Montreal; Of the Quebec Bank; Of the Gore Bank, referred, (115) **201-202**, (165) **279**, (176) **308**. Committee incorporated with Committee on *Currency*, (167) **281**. — Vide *Currency and Banking*.

——— Petition of, for an increase of Capital and an extension of their business, (171) **289**, (185) **320**. Referred to Committee on *Currency and Banking*, (185) **321**.

- BILL to permit the business of the Bank, to be carried on in Toronto, presented and read, (337) **579**. Second reading, (356) **599**. Passed, (359) **603**. By the Council, (428) **687**. Reserved for Her Majesty's Pleasure, (643) **1017**.
- BILL to increase the Capital Stock of the said Bank, presented and read, (432) **693**. Committed, (463) **742**. Considered ; Reported, (576) **933-934**. Passed, (578) **939**.

UPPER CANADA COLLEGE — Vide *King's and Upper Canada Colleges*.

- USURY LAWS — Petitions for an alteration in the Usury Laws of the Province : — Of Board of Trade Montréal, (50) **84**. Of Geo. P. Ridout, President of the Board of Trade Toronto, (171) **290**, (185) **321**. Referred to Committee on *Currency and Banking* (171) **290**, (185) **321**. — Vide also *Montreal Corporation*.
- Withdrawn Motion respecting, **240**. House resolves to go into Committee to consider the Usury Laws of the Province, (54) **104**. Consideration postponed, (97) **170**. Subject referred to the Committee on *Currency and Banking*, (167) **281**.
- BILL to exempt certain Mercantile transactions from the operation of the Usury Laws, presented and read, (368) **614**. Committed, (405) **659**. Considered, (476) **785**. Again considered, — No Report, (484) **799**.
- BILL to amend the Usury Laws, brought from the Council and read, (520) **852**. Second reading, (538) **881**. Motion for further consideration in three months ; amendment, to commit the Bill, agreed to, (539) **887**. Considered, (598) **962**. On motion for further consideration, the previous question moved — shall the main question be now put ? *negatived*, by the casting vote of the Speaker, (637) **1010**.

## V

VACANCIES IN THE OFFICES OF THE HOUSE — How to be filled up, (47) **80**.

VAUDREUIL COUNTY — Vide *Elections controverted*.

- VICTORIA COLLEGE — Petition of Rev. Wm. Ryerson and others, for the Incorporation of Upper Canada Academy, under the name of "Victoria College," and for aid thereto, (133) **227**, (165) **279**. — Vide *Questions negatived*. Referred, (165) **280**. BILL reported and read, (194) **331**. Second reading, (214) **372**. Passed, (226) **391**. By the Council, (291) **512**. Royal Assent, (440) **707**. — 4th & 5th Vic., Cap. 37.
- Message of His Excellency (28.) recommending a Grant to said College, (580) **941**. Referred to Committee on *Supply*, (580) **941**. Resolution reported and agreed to ; BILL presented and read twice, (605) **971**. Passed, (614) **984**. By the Council, (632) **1002**. Royal Assent, (643) **1016**. — 4th & 5th Vic., Cap. 34.

VICTORIA MACADAMIZED ROAD — Petition of Inhabitants of County of Leeds, stating that damages are sustained by them in consequence of said Road passing through their lands, (54) **103**. Referred, (243) **430**. — Vide *Turnpike Trusts*.

VOTES AND PROCEEDINGS — Motion to print the votes and proceedings of the House daily, *negatived*, (474) **779**.

## W

WAGES TO MEMBERS — Vide *Members Wages Repeal ; Sessional payment of Members*.

WAIT, NORVAL AND OTHERS — Petition of, for remuneration for attendance as Jurors in the Home District Court, (184) **320**, (202) **345**.

WAREHOUSING — House resolves to go into Committee to consider of introducing measures for warehousing and bonding Goods, (104) **187**. Considered ; Resolutions reported, and agreed to, (192) **329**. — Vide *Questions negatived*. BILL to extend the benefit of the warehousing system as established by a certain Act of the Imperial Parliament, presented and read, (192) **330**. Committed, (230) **396**. Considered ; Reported, (265) **466**. Passed, (275) **484**. By the Council, (612) **981**. Royal Assent, (642) **1016**. — 4th & 5th Vic., Cap. 16.

WEEKS, HENRY — Petition of, for compensation for ejectment from his Lot owing to an error in the Government Survey, (250) **446**, (268) **475**. Referred, (325) **567**. Report, (359) **603**. Committed, (359) **603**. Consideration postponed, (429) **688**.

WEILBREUNER [OR WEILBRENNER], P.A. — Petition of, to be paid for services as Clerk to a certain contested Election, (199) **342**, (211) **367**. Referred to Select Committee on *Contingencies of the House*, (353) **596**. Report, (545) **893**. Agreed to, (596) **959**.

WELLAND CANAL — *Vide Messages*, (19.) ; *Public Improvements*, Bill ; *Supply*, (Resolutions.)

——— Notice of Motion relating to accounts of, **111**. Accounts of, presented, (207) **352**.

——— House resolves to go into Committee to consider of granting a sum of money to purchase the private Shares in the Welland Canal, (172) **291**. Message (9.) of His Excellency recommending provision to be made for that purpose, Referred, (209) **354**. Considered, (267) **473**. Resolution reported and agreed to, (273) **480**. BILL to authorise the Stock held by private persons in the Welland Canal to be purchased on behalf of the Province, presented and read, (285) **504**. Committed, (381) **627**. Considered, (434) **700**. Reported, (437) **704**. Passed, (443) **712**. By the Council, (490) **812**. Royal Assent, (641) **1014**. — 4th & 5th Vic., Cap. 48.

——— Petition of W. McClelland [or McClellan] and others of Thorold, that the Welland Canal Company may be compelled to erect a certain Bridge over the said Canal, (541) **590**, (578) **939**.

WELLINGTON DISTRICT — Petition of A. Dingwall Fordyce for an extra rate, to build a Court House and Gaol, (128) **217**, (164) **278**. Referred, (312) **550**. — *Vide Gore District Public Building ; Lands, Public*.

——— Petitions against the rate : — Of Jacob Hailer and others, (303) **539**, (318) **560**. Referred, (319) **560**. Of Jacob Gardner and others, (317) **559**, (335) **577**. Of Andrew Ritchie and others, (387) **639**, (403) **657**.

WEST, AMOS — Petition of, for an alteration in the direction of a certain Road in the Township of West Gwillimbury (416) **674**, (435) **702**. Referred, (435) **702**. BILL reported and read, (536) **878**. Second reading, (563) **911**. Passed, (566) **919**.

WEST GWILLIMBURY [OR GWILLIAMBURY] ROAD AND BRIDGE ACT — Notice of Bill to amend said Act, **39**. BILL to amend said Act presented and read, (35) **52**. Committed, (80) **150**. Considered, (101) **183**. Reported, (101) **184**. Passed, (113) **199**. By the Council, (149) **261**. Royal Assent, (359) **602**. — 4th & 5th Vic., Cap. 73.

WHITBY MARSH — Petition of A.M. Farewell and others, for an Act of Incorporation for a Harbour, (102) **186**, (129) **219**. Referred, (114) **200**. Petition of J.B. Warren, also referred, and a Member added to the Committee, (176) **308**. Petition of D. Annis also referred, (227) **393**. Report, (277) **489**, (600) **966**. — *Vide Addresses*, (23.) ; *Sydenham Harbour*.

——— Petition of David Annis against the prayer of the Petition of A.M. Farewell and others, (211) **367**, (227) **393**. Referred, (227) **393**. *Supra*.

WHITE, REUBEN — Petition of, for relief for money taken from his store by William Borne, Esquire, (317) **559**, (335) **577**.

WING, ICHABOD — Petition of, for relief, having been committed to Gaol in 1813, for refusing to take up Arms, being a Quaker, (22) **35**. Referred, (242) **429**. Report, (335) **577**. — *Vide Questions negatived*.

WINTER CARRIAGES — Petition of Inhabitants of County of Saguenay respecting the Ordinance of the Special Council of Lower Canada regulating Winter carriages, (76) **140**. Referred, (130) **220**. Notice of Motion for consideration and amendment of said Ordinance, **224**. BILL to exempt the Inhabitants of County of Saguenay from the operation of a certain Ordinance, reported and read, (228) **393**. Committed ; Considered, — No Report, (273) **480-481**.

WINTER ROADS — House resolves to go into Committee to consider of repealing or amending the Statutes, and Ordinances of Lower Canada, relating to the improvement of the Queen's Highway during the winter season, (208) **354**. Considered, — No Report, (247) **442**.

——— House resolves to go into Committee to consider of altering and amending certain Ordinances of the Special Council respecting the Queen's Highways and Winter Roads, (280) **492**. Considered ; Resolution reported and agreed to, (290) **510**. BILL to amend two certain Ordinances of the Special Council relative to winter roads in Lower Canada,



presented and read, (290) **511**. Second reading, (305) **542**. Motion to Commit the bill *negatived*, (306) **542**. Ryder proposed and *negatived*; Passed, (310) 549. By the Council, (412) **668**. Royal Assent, (640) **1014**. — 4th & 5th Vic., Cap. 30.

WITNESSES — Lists of, on Contested Elections presented, (105) **190**, (106) **191**, (121) **211**, (123) **213**, (140) **248**, (141) **249**, (157) **271**, (160) **273**, (221) **383**, (250) **592-593**.

—— House resolves to go into Committee to consider of paying individuals called upon to give evidence as witnesses, by authority of the House, Considered; Resolution reported and agreed to, (271) **618**.

—— Resolution for the payment of witnesses summoned to give evidence before a Select Committee, (631) **1001**.

WOLVES DESTRUCTION — Notice of Motion respecting, **39**. — Vide *Acts continuation*.

WOODSTOCK MECHANICS' INSTITUTE — Petition of Rear Admiral Vansittart and others, for aid, (324) **566**, (340) **583**.

WOODSTOCK TOWN — Petition of James Carrall [or Carrol] and others, for the enlargement of said Town, (162) **276**, (174) **306**. Referred, (202) **345**. Report and Bill, (284) **503**. BILL to extend and define the limits of the town of Woodstock, presented and read, (284) **503**. Second reading, (320) **562**. Passed, (324) **566**. By the Council, (412) **668**. Royal Assent, (440) **707**. — 4th & 5th Vic., Cap. 70.

WRITS — Vide *Elections*, (Writs.)

## Y

YONGE STREET RIOTS — Of 15th of October 1839 — Vide *Home District Riots*.

YONGE TOWNSHIP — Petition of John Parish and others, for a division from the concession line between the 4th and 5th concessions, (449) **722**, (466) **762**.

—— Petition of Hugh [or Stephen] Scovie and others, that that portion of the said Township, formerly known by the name of Escott, be formed into a separate division for Township purposes, (449) **722**, (466) **762**.

YORK COUNTY — Vide *Elections controverted*.



# E R R A T A

The unusual length of this volume made it necessary for the printer to print by sections rather than doing the entire volume at one time. Only in this way could he avoid the problems involved in storing so much typescript on the premises for any length of time. However, as a result of this procedure, no corrections could be made when errors were discovered that even intensive preliminary proof-reading had failed to eliminate. The pages containing the errors had already been printed ; therefore these errors are identified in an errata sheet.

The tabular form in which the *errata* sheet is presented indicates clearly the precise location of each error, whether it is part of a reconstructed debate, a footnote, the text of the official JOURNALS, or a marginal reference, and it lists the appropriate correction. Certain inconsistencies, such as the interchangeability of the letters "i" and "e", and the more minor errors of punctuation, have not been included in the following list.

Page	Line	Source	As printed	Correction
3	46	debate	effectually	effectually
4	18	debate	parliamentry	parliamentary
4	27	debate	policial	political
6	36	debate	Prothonatory	Prothonotary
8	2	debate	3d (sic) section	3d section
8	7	debate	adviser	advisers
15	25	JOURNALS	then a million	then (sic) a million
16	11	JOURNALS	mystem	system
16	42	JOURNALS	capitalist	capitalists
18	49	JOURNALS	de legality	the legality
19	5	JOURNALS	Retrurning Officer	Returning Officer
20	4	JOURNALS	decrepid	decrepid (sic)
20	49	JOURNALS	presented the House	presented ((to)) the House
21	47	JOURNALS	person	person((s))
23		note 13	line transposed with note 12	
24		note 22	Journals	JOURNALS
25	18	debate	election	elections
25	22	debate	election	elections
26	34	debate	migh	might
32	11	JOURNALS	occurences	occurrences (sic)
35	19	JOURNALS	nor done	nor done (sic)
36	52	JOURNALS	public intertainment	public intertainment (sic)
37	2	JOURNALS	occurence	occurrence (sic)
38	42	JOURNALS	That the petition do lie	That the said petition do lie
39	33	debate	immense (sic)	immense (sic)
41		notes 42, 48	ST. CATHARINES'	ST. CATHARINES
45	50	JOURNALS	Bowrong	Bowron
46	4	JOURNALS	did ont abandon	did not abandon
62	33	debate	independant	independent
64	12	debate	so long time	so long a time
66	29	debate	correspond	corresponded
66	51	debate	gentleman	gentleman
67	38	debate		This entire speech should be omitted ; all the material is included in his speech on page 68.
72	28	debate	has elicited	had elicited
77	42	debate		This should be omitted ; the motion is reported in its correct context on page 80.
87	51	debate	manage	managed
89	48	debate	referred	referred
91	3	debate	alis	alii
92	5	debate	nay	any
92	30	debate	thier	their
92	34	debate	resolution	resolutions
92	61	debate	attempt	attempted
93	45	debate	alledged	alledged (sic)
94	47	debate	dilemma	dilemma
97	29	debate	an	and
97	31, 39	debate	form	from
98	22	debate	difficulies	difficulties
99	41	debate	administratoin	administration
100	34	debate	scarely	scarcely (sic)
101	29	debate	Cuvillier's remarks have been included with Johnston's.	
101	4	margin	posponed	postponed
106	20	debate	be	he
112	13	JOURNALS	You most obedient	You (sic) most obedient
119	12	debate	me	them
121	1	debate	alerations	alterations
123	23	debate	messangers	messengers
123	26	debate	most persons	most proper persons
126		note 20	ST. CATHARINES'	ST. CATHARINES
129	4	JOURNALS	citazens	citizens (sic)
132	2	debate	to he	to the
133	29	JOURNALS	Lybrarian	Lybrarian (sic)



Page	Line	Source	As printed	Correction
133	41-42	JOURNALS		There should be no space between these lines.
135		note 30	Macnab at length the attention	Macnab at length caught the attention.
135		note 30	Tod	Todd
140	37	JOURNALS	devided	devided (sic)
145	45	debate	ommitted	omitted
147	23	debate	three of founr (sic)	three or four (sic)
149	25	debate	no believe	not believe
149	25	debate	he House	the House
149	50	debate	he Country	the Country
150	33	JOURNALS	an the	an (sic) the
151	9	debate	restriction	restriction
155	26	JOURNALS	occured	occured (sic)
161	23	JOURNALS	espace	escape
163	31	JOURNALS	Statue	Statute
172	31	debate	conveniences	convenience
173	46	debate	Subject of Niagara Recognizances	This subject was reported in the JOURNALS as well, however, for 6 July 1841. See page 227.
176	53	debate	majesty	majority
177	40	debate	MacNab's speech is followed by the JOURNALS' note that "the said report be referred to a committee of the whole House to-morrow."	MacNab's speech should be followed instead by the debate erroneously placed on pages 178-179, on the subject of parliamentary reporting.
178	10	debate	The discussion upon reporting was again renewed....	The discussion upon reporting was again renewed, and Mr. Simpson ... moved that to-morrow the house do go into committee of the whole to take into consideration the report of the committee, on the subject of subscribing to the newspapers.
180	36	JOURNALS	1141	1141 (sic)
181	25	debate	they	they (sic)
182	43	debate	what the effect	what was the effect
189	4	margin	Assent give to	Assent give(n) to
196	29	debate	was opposed it	was opposed to it
196	39	debate	establishing (sic)	establishing
200	9	JOURNALS	acquanted	acquanted (sic)
200	28	JOURNALS	of townships	of the townships
210		note 30	IBID.	WESTERN HERALD, 21 July 1841.
210		note 31	WESTERN HERALD, 21 July 1841.	IBID.
211	6	JOURNALS	proceed	proceed (sic)
220	51	JOURNALS	threof	thereof
236	5	debate	contracter	contractor
242	8	debate	cognizance	cognizance
242	12	debate	he thought quite	he thought it quite
248	3	JOURNALS	preceeds	proceeds
259	16	debate	he was opinion	he was of opinion
259	28	debate	sergent	sergeant
282	26	JOURNALS	becan	been
291	43	JOURNALS	that this Excellency	that this (sic) Excellency
295	12	debate	gentlemen are	gentlemen who are
320	24	JOURNALS	contract	contract (sic)
320	27	JOURNALS	built	built (sic)
324	2	margin	Com. to whole	Com. of whole
328	11	margin	Bill to naturalize	Bill to naturalize
329	39	JOURNALS	previsions	provisions
331	16	JOURNALS	Doura	Douro
334	31	debate	que, que cette chambre	que cette chambre
335	17	debate	quelque non-membre	quelque hon. membre
335	28	debate	marquante ou supposant	marquante (sic) ou supposant
335	9	debate	consentit à refuser	consentit (sic) à refuser
356	18	debate	Duncombe (sic)	Duncombe
357	24	debate	now	new
360	56	debate	what either	what (sic) either
367	24	margin	Gillespie	Gillespie
367	13	debate	Maripossa	Mariposa
374	5	debate	carefully	carefully
385	9	margin	Hasting	Hastings
389	19	debate	it was go	it was to go
392	14	debate	intellects	intellects (sic)
394	10	margin	Lexis Lusier	Felix Lussier
399	19	debate	avait attirée	avait attiré
406	8	debate	agressors	aggressors
406	14	debate	implicated	implicated
423	49	debate	than the Master	than that the Master
427		note 1	notion	motion

Page	Line	Source	As printed	Correction
432	28	debate	extremely	extremely
436	29	debate	des grands désavantages	des grands avantages
438	21	debate	extrêmement	extrêmement (sic)
438	48	debate	se sont réservés le droit	se sont réservés (sic) le droit
438	54	debate	teneurs	teneurs (sic)
439	16	debate	par la raison	par (sic) la raison
439	19	debate	souffrire	souffrire (sic)
471	24, 35	debate	dependant	dependent
472	7	debate	if the the vote	if the vote
473	19	margin	Committee on Mill dam B	Committee on Mill dam Bill
487	25	debate	enlightment	enlightened
487	59	debate	by 17 Judges	but 17 Judges
488	34	debate	Another member's remark has been included with Roblin's speech.	
500	37	debate	expanded	expended
503	28	JOURNALS	continguous	contiguous
513	15	JOURNALS	renumeration	renumeration (sic)
526	9	JOURNALS	Provnnce	Province
526	4	margin	posponed	postponed
531	9	debate	exceptée	exceptée (sic)
534	26	debate	(alluding to the number... session.)	All this should be omitted as it is just reportorial commentary.
535	11	debate	ou entraîné par	ou entraîné (sic) par
536	36	debate	les comité	les comité (sic)
537		note 1	commentry	commentary
539	13	JOURNALS	Congregation	Congregation
541	50	JOURNALS	That the said Bill referred	That the said Bill be referred
544	9	JOURNALS	Commtee	Committee
547	38	margin	Bill send to Legislative Council	Bill send (sic) to Legislative Council
549	18	margin	Revrend Wm. Anderson	Reverend Wm. Anderson
552	20	JOURNALS	incorporate	incorporate
552	45	JOURNALS	Committee	Committee
554	53	JOURNALS	The House according	The House according (sic)
563	31	JOURNALS	resolved itself	resolved itself
564	21	JOURNALS	Fruday next	Friday next
564	21	JOURNALS	constituting of Upper Canada	constituting Upper Canada
569	1	JOURNALS	am I relate (sic)	and relate
569	15	JOURNALS	blood should be split	blood should be split
570	20	JOURNALS	where you	were you
576	10	JOURNALS	have not serve	have not served
581	5	margin	Order day	Order of day
584	18	JOURNALS	devision	devision (sic)
589	44	JOURNALS	expence	expence (sic)
592	28	JOURNALS	Counsel for the Petitions	Counsel for the Petitions (sic)
594	15	JOURNALS	Committe	Committee
597	27	JOURNALS	second	seconded
602	28	JOURNALS	Ordiances	Ordinances
609	15	debate	adressing	addressing
615	15	JOURNALS	compell	compel
617	24	JOURNALS	to give leave	do give leave
617	49	JOURNALS	situate within	situate (d) within
620	51	JOURNALS	of the said amendment	of the said amendment((s))
629	39	debates	of the bill	on the bill
637	48	JOURNALS	Her Majesty (sic)	Her Majesry (sic)
637	11	margin	Floor	Flour
638		note 1	a line has not been printed	during the greater part of the evening. About 10 o'clock the House divided...."
640	5	JOURNALS	Johseph	Joseph
647	47	JOURNALS	withheld	withheld
651	52	JOURNALS	debt	debts
653	24	debate	proposing	to propose
653	25	debate	by himself....	was a proof of that disinterestedness and love of justice, which he was daily vaunting forth in such loud tones in that house. Mr. Cartwright's political principles were well known, that hon. gentleman having been the <i>fidus achates</i> of the member for Hamilton, such a proposition therefore was little better than an insult to impartial inquiry.
653	43	JOURNALS	Act for setting	Act for settling
657	23	JOURNALS	then heretofore	then (sic) heretofore
657	46	JOURNALS	the tfirst time	the first time
662	39	JOURNALS	to received	to received (sic)
666	2	margin	John Miller and other	John Miller and other (sic)
670	9	margin	to re-committed	to re-committed (sic)
670	47	JOURNALS	Committee	Committee

<i>Page</i>	<i>Line</i>	<i>Source</i>	<i>As printed</i>	<i>Correction</i>
671	1	debate	that it was	that as it was
673	15	debate	per annum	per annumum (sic)
679	47	debate	iniative	initiative
682	2	JOURNALS	Her Majesty Reign	Her Majesty Reign (sic)
682	27	JOURNALS	Ministers of Clergy	Ministers or Clergy
684	12	JOURNALS	entiers	entries
689	2	debate	L'impression ... prochainement	This should all be omitted.
727	25	JOURNALS	of Witness	of Witnesses (sic)
743	8, 19	debate	accomodation	accommodation
748	55	debate	resorted as	resorted to as
749	52	debate	limits to the issue was	limits to the issue was (sic)
750	17	debate	Berthom	Berthom (sic)
752	38	debate	He ((Simpson))	He ((Mr. Simpson))
753	29	debate	capitals	capital
756	12	debate	circulation	circulation
757	38	debate	destry	destroy
757	38	debate	Hincks' remarks are included with Cartwright's.	
758	7	debate	unnecessary	unnecessary
764	36	JOURNALS	Establishment	Establishment
773	1	debate	An unidentified member speaks in Roblin's speech.	
775	3	debate	egrees and ingrees	egress and ingress
791	2	margin	Government or	Governor
796	29	debate	licence (sic)	licence
797	54	debate	subject it	subject to it
798	57	debate	do away the Usury Laws	do away ((with)) the Usury Laws
806	47	debate	circultaion	circulation
808	36	debate	istelf	itself
811	44	JOURNALS	Committe	Committee
812	35	JOURNALS	several amendment	several amendment((s))
815	29	JOURNALS	said notion	said motion
816		JOURNALS	Penetentiary	Penetentiary (sic)
817	41	JOURNALS	Committe	Committee
818	48	JOURNALS	come to Resolution	come to a Resolution
823	21	JOURNALS	expence	expence (sic)
823	49	JOURNALS	Reservoirs	Reservoirs (sic)
826	41	JOURNALS	certain seasons	certain seasons
827	31	debate	resolutions	resolution
829	24	JOURNALS	fraudulant	fraudulant (sic)
830	11	margin	House on Com.	House in Com.
831	36	JOURNALS	commutation	commutation
833	31	JOURNALS	pense	pence
837	51	JOURNALS	And Act	An Act
838	4	margin	Judge independence	Judge((s')) independence
843	2	JOURNALS	further authorize	further authorized
848	19	debate	throughfares	thoroughfares
852	7	margin	Macaulay to atread 1st. time	Macaulay to attend Committee.
853	10	JOURNALS	thiereto	thereto
854	12	debate	on agreement	on (sic) agreement
856		note 27	occured	occurred
858	3	JOURNALS	praying	praying
859	1	margin	to to	to to (sic)
864	29	JOURNALS	beyon	beyond
870		notes 30, 33, 35, 39	ST. CATHARINES' JOURNAL	ST. CATHARINES JOURNAL
875	27	JOURNALS	Independants	Independants (sic)
892	46	JOURNALS	Comimtee	Committee
893	57	JOURNALS	Committe	Committee
895	3	margin	to-morrow	to-morrow
909	34	JOURNALS	eight	eighth
915	19	JOURNALS	Twelfth	Twelfth
915	37	debate	opposed it....	opposed ... the clause enabling the Directors to appoint a permanent President....
923	31	debate	accomodation	accommodation
929	50	JOURNALS	Honourable	Honourable
933	2	JOURNALS	Special	Special
933	42	JOURNALS	Commiteee	Committee
936	39	d-bate	subjees	subjects
939	20	JOURNALS	certain Acts	certain Acts
959	30	JOURNALS	from his	for his
961	26	JOURNALS	to th	to the
968	51	JOURNALS	or assigns	or assigns (sic)
969	41	JOURNALS	nothwithstanding	notwithstanding
980	24	debate	growth of	growth at
984	44	JOURNALS	Commisioners	Commissioners
985	27	JOURNALS	vexations	vexations (sic)
993	38	JOURNALS	agree	agreed





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